REPORT

OF THE

CALCUTTA COURT OF SMALL CAUSES,

FOR THE YEAR 1871-72.

Calcutta:

PRINTED AT THE BENGAL SECRETARIAT PRESS.

1872.

No. 10.

FROM

THE JUDGES OF THE CALCUTTA COURT OF SMALL CAUSES,

To

THE OFFG. SECY. TO THE GOVERNMENT OF BENGAL,
JUDICIAL DEPARTMENT.

Fort William, the 26th June 1872.

SIR,

WE have the honor to forward, for the information of His Honor the Lieutenant-Governor of Bengal, the 22nd Annual Report of the business of this court for the year 1871-72 ending 31st March last.

2. The number of cases instituted in the court during the year was 31,536, being a decrease of 803 as compared with the number instituted during the year ending 31st March 1871. The average number of cases for each day was 128·7.

3. The following comparative table shows an increase and decrease of institutions during the year :—

CLASS OF CASES.	In 1870-71.	In 1871-72.	Increase.	Decrease.
Under Rupees 5	.....	6,805	171	.....
Ditto 10	13,286	6 652		
Ditto 20	6,741	6,518	.....	223
Ditto 50	6,239	6,034	.....	205
Ditto 100	2,659	2,412	.....	247
Ditto 200	1,500	1,496	.....	4
Ditto 300	662	556	.....	106
Ditto 400	362	335	.....	27
Ditto 500	232	202	.....	30
Ditto 600	153	172	19	.....
Ditto 700	124	110	.....	14
Ditto 800	95	87	.....	8
Ditto 900	89	60	.....	29
Ditto 1,000	94	59	.....	35
Above Rupees 1,000	43	38	.....	5
Total	32,339	31,536	190	993
Deduct increase	.....	.....	.....	190
Net decrease	.....	.....	.....	803

4. The heaviest decrease took place in March 1872,* in which 2,350 suits were instituted, against 2,756 instituted in March of the previous year. This shows a decrease of 406 in March alone, which it will be observed is more than half the decrease of the whole year. In that month, as is well known, sickness was very prevalent throughout the town, and the decrease of suits at that time may thus be accounted for.

* See statement No. 1, Part I.

5. The general decrease throughout the year, especially in suits for large amounts, is we think to be attributed to the stagnation of business, which has prevailed throughout the past year, and which has affected not only this court, but also the High Court both of this Presidency and, as we are informed, of Bombay and Madras also.

6. The amount of litigation was Rs. 15,28,938-10-2; Rs. 3,76,171-1-6 were paid into court, and Rs. 3,69,432-15-9 paid out of court.

7. We take this opportunity of drawing His Honor's attention to the fact that the present number of Bailiffs is insufficient for the satisfactory performance of the large amount of work thrown upon them. There were 8,539 warrants in execution of decrees issued during the year just ended, as against 8,405 issued during the year ending 31st March 1871, showing an increase of 134 during the last year.

8. There has also been a considerable increase of business in the distraint department On a reference to table No. 8 of the Report, it will appear that 557 distresses for rent were issued, showing an increase of 179 as compared with 378 issued during the previous year. Of these 557 distresses 13 were subsequently set aside and 7 remained unexecuted.

	Rs. A. P.	Rs. A. P.
9. The receipts on account of commission and fees, &c., have been		2,03,038 9 3
From which is to be deducted—		
Salary of Judges	71,368 6 9	
Cost of establishment	81,372 10 4	
House-rent	14,400 0 0	
Contingent expenses	3,151 13 3	
Bailiffs' commission	4,102 0 0	
		1,74,394 14 4
Balance to the credit of the court		28,643 10 11

10. The following statement exhibits the result of the cases set down for hearing during the year.

Number of cases pending in 1870-71		1,569
Ditto ditto instituted in 1871-72		31,536
Total ...		33,105
Decided in favor of plaintiffs after trial ..	8,158	
Decided in favor of plaintiffs *ex-parte* ..	6,742	
Dismissed after trial	1,397	
Nonsuited ditto	3,223	
Compromised	9,690	
Struck off on default of plaintiffs	3,019	
Pending at the close of the year	*876	
		33,105

* Partly heard and adjourned 333
Returnable in 1872-73 543
Total 876

11. The inconvenience of our present premises for the purpose of a court has been repeatedly brought by us to the notice of the Government. It is with great satisfaction we have learnt that the erection of a new building has now been sanctioned, and we trust that the completion of it may be expedited as much as possible.

We have the honor to be,
SIR,
Your most obedient Servants,

G. S. FAGAN.
N. H. THOMSON.
KOONJO LALL BANERJEE.
R. S. T. MACEWEN.
Judges of the Calcutta Court of Small Causes.

No. 1.—PART I.

Abstract Statement of the Statistics of the Calcutta Court of Small Causes for the twenty-second year of its institution, viz. from 1st April 1871 to 31st March 1872.

Months.	Number of suits instituted			The English cases bear to the native cases the ratio of—	Number of summonses issued.	Number of second summonses issued	Number of subpœnas issued.	Number of attachments issued.	Number of writs of execution issued.	Number of bench warrants issued.	Number of copies of judgment issued.	Number of commitments issued	Number of releases issued.	Number of cases referred to arbitration.	Number of warrants to sue and defend filed.	Number of cases in which parties appeared by attorney.	Number of cases in which parties appeared by pleaders practising in this court.	In person.	Number of days in which the court was open.	Average number of suits instituted daily.	Amount litigated on the suits instituted.
	English.	Native.	Total.																		Rs A. P.
1871.																					
April	488	1,955	2,443	4·	3,076	144	2,443	1	659	...	48	27	30	61	570	31	539	1,873	22	111	1,22,779 6 10
May	575	2,336	2,911	4·	3,593	131	2,983	2	729	...	59	34	35	71	632	34	598	2,279	25	116·4	1,36,709 10 6
June	668	2,449	3,117	3·6	3,989	153	2,827	1	825	...	64	28	23	46	599	24	575	2,518	23	135·5	1,60,395 0 9
July	612	2,359	2,971	3·8	3,804	152	3,250	1	797	..	41	44	42	43	637	38	599	2,334	24	123·7	1,50,432 4 0
August	745	2,856	3,601	3·8	4,415	216	3,607	6	830	...	54	38	43	63	660	32	628	2,942	26	138·5	1,83,327 14 7
September	723	2,917	3,660	4·	4,546	187	3,629	4	856	...	58	35	40	59	567	34	533	3,093	25	146·4	1,70,258 4 0
October	230	784	1,014	3·4	1,314	67	1,294	3	568	1	20	26	24	25	386	12	374	628	11	92·1	49,135 5 2
November	223	922	1,145	4·1	1,497	39	925	1	267	...	13	4	9	11	108	7	101	1,037	8	143·1	62,016 1 0
December	367	1,497	1,864	4·	2,380	79	2,101	5	643	...	30	23	18	54	360	25	335	1,504	17	109·6	91,807 5 3
1872.																					
January	759	2,847	3,606	3·7	4,528	111	3,337	5	857	...	45	30	24	50	557	24	533	3,049	24	150·2	1,58,103 8 2
February	551	2,303	2,854	4·1	3,594	117	2,524	3	765	...	19	32	27	39	428	34	394	2,426	21	135·9	1,31,493 14 5
March	443	1,907	2,350	4·3	2,993	112	2,111	7	704	1	33	37	33	26	482	38	444	1,868	19	123·6	1,12,389 15 6
Total ...	6,384	25,152	31,536	3·9	39,729	1,508	31,031	39	8,500	2	484	358	348	548	5,986	333	5,653	25,550	245	128·7	15,28,938 10 2

The court was closed on account of Sundays	53	
Christmas holidays, Good Friday, and H. M.'s Birthday, 21st September 1871, 17th and 27th February 1872	7	
Vacation in December	10	
Hindoo Holidays including Dussoharah vacation	51	
Total ...	121	
Total number of days in which the court was closed		121
Number of sitting days		245
Total ...		366

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

No. 1.—PART II.

Abstract Statement of the Statistics of the Calcutta Court of Small Causes for the twenty-second year of its institution, from 1st April 1871 to 31st March 1872.

Months.	Graduated digest of cases instituted.																Disposal of suits set down for hearing							Commission and fees paid in stamps on suits instituted	Amount of half cost refunded to suitors in cases compromised before hearing and remitted by order of the Judge.
	Under Rs. 5.	Under Rs 10.	Under Rs. 20.	Under Rs 50.	Under Rs 100.	Under Rs 200	Under Rs 300.	Under Rs. 400	Under Rs. 500.	Under Rs 600.	Under Rs 700.	Under Rs 800.	Under Rs 900.	Under Rs 1,000.	Above Rs. 1,000	Total.	Judgment for plaintiff.	Judgment for defendant	Struck off.	Nonsuited.	Compromised.	Pending.	Total.	Rs A P.	Rs. A. P.
1871																									
April	517	521	472	454	205	131	52	28	17	15	11	7	6	4	3	2,443	1,067	95	266	271	749	...	2,448	17,808 7 0	2,538 7 9
May	612	595	592	557	231	141	56	52	21	19	13	9	5	3	5	2,911	1,368	147	281	284	924	.	3,004	21,261 14 0	3,247 2 6
June	640	675	680	560	244	148	50	34	23	25	11	11	4	10	2	3,117	1,512	162	291	287	938	...	3,190	23,452 8 0	2,776 8 3
July	682	638	618	552	200	133	55	38	19	12	8	4	3	7	2	2,971	1,388	141	277	288	974	...	3,068	20,742 12 6	2,837 1 3
August	806	777	739	689	248	164	53	35	26	21	17	7	6	8	5	3,601	1,586	143	209	371	1,081	...	3,450	25,418 4 0	2,774 14 9
September	851	781	762	746	256	160	48	33	22	20	8	10	7	5	1	3 660	1,532	123	358	298	993	...	3,304	23,749 10 6	2,612 15 0
October	201	202	207	216	80	59	23	4	6	1	4	7	2	2	0	1,014	797	68	169	139	539	...	1,712	8,317 3 0	2,479 4 9
November	224	240	270	186	98	56	29	12	6	11	5	5	2	0	1	1,145	371	36	101	81	155	...	744	8,929 15 0	457 10 9
December	352	413	366	409	136	94	38	16	9	4	6	7	6	3	5	1,864	1,115	107	251	266	625	...	2,364	14,109 1 6	2,115 10 6
1872.																									
January	732	748	790	715	285	169	64	40	21	13	9	4	5	6	5	3,606	1,520	123	303	309	1,006	...	3,261	25,055 0 6	2,733 7 9
February	662	608	555	531	236	131	37	21	17	20	7	8	8	7	6	2,854	1,430	135	261	334	883	...	3,043	19,630 8 6	2,964 12 3
March	526	504	467	419	193	110	51	22	15	11	11	8	6	4	3	2,350	1,214	117	192	295	823	876	2 641	17,391 2 0	2,381 0 6
Total ..	6,805	6,652	6 518	6,034	2,412	1,496	556	335	202	173	110	87	60	59	38	31,536	14,900	1,397	3,019	3,223	9,690	876	32,229	2,25,866 6 6	29,919 0 0

Calcutta Court of Small Causes,
The 26th June 1872.

Gideon C Sconce,
Offg. 5th Judge and Clerk of the Court.

No. 2.

Comparative table of cases set down for hearing, from the 1st of April 1870 to 31st March 1871, and from 1st April 1871 to 31st March 1872, showing how they are disposed of.

	April.		May.		June.		July.		August.		September.		October.		November.		December.		January.		February.		March.		Total.	
	1870.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	1870.	1871.	1871.	1872.	1871.	1872.	1871.	1872	1870-71.	1871-72.
Judgment for plaintiff... ...	1,194	1,067	1,354	1,368	1,339	1,512	1,408	1,388	1,607	1,586	1,628	1,532	...	797	1,056	371	881	1,115	1,235	1,520	1,349	1,430	1,145	1,214	14,196	14,900
Judgment for defendant	108	95	134	147	142	162	146	141	155	143	168	123	...	60	98	36	50	107	123	123	121	135	109	117	1,254	1,397
Nonsuit and struck off	414	537	587	565	544	578	550	565	648	640	717	656	...	318	542	182	407	517	650	612	669	595	534	487	6,262	6,212
Compromised	797	749	956	924	975	938	1,041	974	1,118	1,081	1,174	993	...	539	672	155	688	625	854	1,046	1,001	883	836	823	10,112	9,690
Undecided—Postponed after being called for hearing.																										
In 1870-71 1,569																										
In 187 -72 867																										
Total ...	2,513	2,448	3,031	3,004	3,000	3,190	3,145	3,068	3,528	3,450	3,687	3,304	...	1,712	2,368	744	2,026	2,364	2,862	3,261	3,140	3,043	2,624	2,641	31,924	32,229

Postponed after being partly heard 363
Instituted towards the close of the year, the returnable date being in April 1872 513

876

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

No. 3.

Statement showing the number of Cases pending on the 31st March 1872.

	Number of cases partly heard and postponed.							Instituted, but not returnable after the close of the year.	Grand Total.
	For service of summons	For witnesses.	For attachment.	At the request of the parties to the suit.	Referred to arbitration.	By order of the court.	Total.		
1st Judge	11	3	...	36	3	29	82	.....	.....
2nd Judge	11	10	...	13	2	9	45	.....	.....
3rd Judge	13	2	1	7	27	8	58	.....	.....
4th Judge	14	11	...	9	13	57	104	.....	.....
5th Judge	9	...	...	31	3	1	44	543	.....
Total	58	26	1	96	46	104	333	543	876

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

No. 4.

Abstract Statement of cases set down for hearing and disposed of from 1st April 1871 to 31st March 1872.

Months.	Judgment for plaintiffs.	Judgment for defendants.	Struck out.	Nonsuited.	Compromised.	Total number of cases disposed of.	Undecided.	Total number of cases instituted.
1871.								
April	1,067	95	266	271	749	2,448	.....	2,443
May	1,368	147	281	284	924	3,004	.....	2,911
June	1,512	162	291	287	938	3,190	.....	3,117
July	1,388	141	277	288	974	3,068	.....	2,971
August	1,586	143	269	371	1,081	3,450	.....	3,601
September	1,532	123	358	298	993	3,304	.....	3,630
October	797	68	169	139	539	1,712	.....	1,014
November	371	36	101	81	155	744	.....	1,145
December	1,115	107	251	266	625	2,364	.....	1,864
1872.								
January	1,520	123	203	309	1,006	3,261	.....	3,606
Febuary	1 430	135	261	334	883	3,043	.....	2,854
March	1,214	117	192	205	823	2,641	876	2,350
Total ...	14,000	1,397	3,019	3,223	9,690	32,229	876	31,536

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

No. 5.

Comparative Statement of Commission and Fees realized and credited to Government in 1870-71 *and in* 1871-72.

Months.	1870-71 On account of fees received in the institution and prosecution of suits and on account of distresses for rents	Months.	1871 72. On account of fees received in the institution and prosecution of suits and on account of distresses for rents.	Total increase of fees in 1871-72.	Total decrease of fees in 1871-72.	Remarks.
1870.	Rs. A P.	1871.	Rs A. P.	Rs. A. P.	Rs A P.	
April	16,130 0 3	April	15,269 15 3	.....	860 1 0	
May	19,350 5 3	May	18,014 11 6	.....	1,335 9 9	
June	17,854 2 0	June	20,675 16 9	2,821 13 9	.....	
July	19,906 10 9	July	17,902 1 6	.....	2,004 9 3	
August	21,405 14 0	August	22,643 5 3	1,237 7 3	.....	
September	20,067 12 3	September	21,136 11 6	1,068 15 3	.....	
October	.....	October	5,837 14 3	5,837 14 3	.....	
November	19,540 13 6	November	8,472 4 3	.....	11,068 9 3	
December	12,366 13 6	December	11,993 7 0	... .	373 6 6	
1871		1872.				
January	20,599 4 0	January	22,321 8 9	1,722 4 9	.....	
February	20,720 5 3	February...	16,665 12 3	.....	4,054 9 0	
March	19,766 2 3	March	16,475 10 3	.....	3,290 8 0	
Total	2,07,708 3 0	Total ...	1,97,409 5 6	12,688 7 3	22,987 4 9	

Deduct increase ... ... Rs 12,688 7 3
Net decrease ... ... „ 10,298 13 6
} Or a decrease of nearly 5 per cent. over the receipts of last year.

Calcutta Court of Small Causes,
The 26th June 1872.

Gideon C. Sconce,
Offg. 5th Judge and Clerk of the Court.

No. 6.

Abstract Statement of sums received and paid out to Suitors and others from 1st April 1871 *to 31st March* 1872.

1871.	Rs A P.	1871.	Rs. A P
To cash received on account of suitors, &c., in April,	28,146 9 8	By cash paid out to suitors, &c., in April	24,868 3 3
Ditto ditto May,	32,722 8 1	Ditto ditto May	33,806 11 10
Ditto ditto June,	38,000 11 3	Ditto ditto June	33,625 5 9
Ditto ditto July,	34,622 13 7	Ditto ditto July	33 006 5 11
Ditto ditto Augt,	37,753 15 7	Ditto ditto August	39,542 4 9
Dtto ditto- Sept,	30,594 3 4	Ditto ditto September ...	30,380 3 8
Ditto ditto Oct,	24,238 10 3	Ditto ditto October	24,065 12 4
Ditto ditto Nov.,	12,710 16 3	Ditto ditto November ...	10,534 13 0
Ditto ditto Dec,	25,811 5 1	Ditto ditto December ...	28,066 14 6
1872.		1872.	
Ditto ditto Jan.,	41,661 11 9	Ditto ditto January	39,013 2 3
Ditto ditto Feb.,	34,502 0 10	Ditto ditto February ...	34,013 2 6
Ditto ditto Mar,	35,405 13 10	Ditto ditto March ...	38,501 15 10
Total ...	3,76,171 1 6	Total	3,60,432 15 9

Calcutta Court of Small Causes,
The 26th June 1872.

Gideon C. Sconce,
Offg. 5th Judge and Clerk of the Court.

No. 7.

Table showing the nature of cases heard and decided from 1st April 1871 to 31st March 1872.

Months.	Goods sold and delivered.	Bills of Exchange and Promissory note.	Wages.	Work and labor.	Money paid.	Money lent.	Money had and received	Account stated.	Use and occupation.	On judgment.	Guarantee.	Partnership balance.	Other actions in assumpsit.	Trover.	Actions in the case.	Trespass to property.	Assault.	Replevin.	Interpleader claim.	Recovery of small tenements.	Ejectment	Against executors and administrators.	Covenant.	Total.
1871.																								
April	904	156	200	154	33	293	81	28	257	5	4	8	138	67	35		43	...	26	2	1	...	...	2,448
May	1,122	244	246	164	44	376	96	48	247	8	9	5	174	64	60	1	55	.	30	8	3	..	...	3,004
June...	1,126	265	290	186	47	373	111	53	315	3	9	3	180	64	69	1	60	1	32	2		...	...	3,190
July	1,169	193	260	229	50	317	117	54	226	4	10	4	197	56	67	4	49	2	41	9		1	..	3,068
August	1,381	225	314	221	50	376	108	50	272	6	18	4	185	79	69	2	49	1	30	6	3	1	.	3,450
September... ..	1,315	242	242	223	39	361	111	46	259	10	15	5	212	68	62	3	53	..	35	4	2	.	.	3,304
October	616	131	136	107	26	218	74	25	138	3	7	3	131	28	27	.	20	.	20	2	.		.	1,712
November	225	44	80	41	10	116	29	20	54	2	1	2	48	24	16	1	20		11	...	...	...		744
December	796	195	200	148	44	316	86	42	226	8	3	1	151	50	44	1	26	8	22	1	...	...		2,364
1872.																								
January	1,216	217	281	216	45	403	104	50	264	4	12	10	239	58	60	1	38	.	30	3	6	...	1	3,261
February	1,228	182	258	196	37	405	108	30	176	8	7	4	221	64	61		30	1	39	5	2	...	1	3,043
March	1,104	194	203	136	33	331	101	50	186	3	6	8	157	53	47	2	25	.	41	6		.	.	2,641
Total ...	12,202	2,243	2,690	2,015	467	3,885	1 126	503	2,620	67	101	57	2,033	675	617	16	467	10	366	48	17	2	2	32,229

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

No. 8.

Statement showing the Statistics of the Distraint Department of the Court under Act VII of 1864, from the 1st April 1871 to 31st March 1872.

Months.	Distraint compromised before appraisement.	Sales.	Distresses set aside before appraisement.	Unexecuted.	Compromised after appraisement.	Distresses set aside after appraisement.	Total number of distresses for rent	Amount of rent for which distresses were made.	Commission and fees deposited.
								Rs. A P	Rs A P.
April 1871 ...	29	9	.....	.....	2	.....	40	2,419 12 6	387 0 0
May " ...	23	8	1	.....	10	.....	42	3,585 11 3	534 8 0
June " ...	50	13	1	1	15	.....	80	5,625 7 3	873 12 0
July " ..	37	4	1	.....	4	....	46	3,596 1 0	552 8 0
August " ...	22	9	1	.....	5	.....	37	3,074 1 6	458 4 0
September " ...	41	12	5	1	13	.....	72	4,104 9 2	648 8 0
October " ..	34	5	. ...	. ...	3	.....	42	2,351 14 0	378 4 0
November " ...	11	6	2	1	2	.....	22	2,050 10 6	305 4 0
December " ...	32	3	2	...	4	.....	41	5,186 10 6	733 0 0
January 1872 ...	31	10	.. .	4	8	.....	53	3,216 5 3½	504 12 0
February " ..	43	3	. ...	.....	5	.....	51	2,491 6 3	404 8 0
March " ...	23	8	.....	.....	...	.....	31	1,634 5 0	261 0 0
	376	90	13	7	71	...	557	39,336 14 2½	6,041 4 0

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg 5th Judge and Clerk of the Court.

C

No. 9.

Statement showing the amount of Fines from 1st April 1871 to 31st March 1872.

Months.	1871.	Amount. Rs A. P.
April		10 0 0
May		29 8 0
June		7 6 0
July		12 6 0
August		....
September		16 0 0
October		....
November		....
December		....
	1872.	
January		5 0 0
February		....
March		5 0 0
	Total ..	85 4 0

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

No. 10.

Statement showing the Salaries of the Judges, Cost of the Establishment, House-rent, Contingent and other charges from 1st April 1871 to 31st March 1872.

Months.	Salaries of the Judges.	Establishment charges.	House rent.	Commission allowed to Bailiffs	Contingent charges.	Total.
	Rs. A. P.	Rs A. P.	Rs. A. P.	Rs A. P.	Rs A. P.	Rs. A P.
April 1871	6,000 0 0	6,777 6 0	1,200 0 0	330 4 0	448 9 0	14,756 3 0
May "	6,000 0 0	6,774 3 0	1,200 0 0	341 4 0	349 11 6	14,665 2 6
June "	6,000 0 0	6,777 0 0	1,200 0 0	381 12 0	129 1 6	14,487 13 6
July "	6,000 0 0	6,777 0 0	1,200 0 0	372 2 0	272 0 0	14,621 2 0
August "	6,000 0 0	6,772 12 0	1,200 0 0	383 6 0	124 15 9	14,481 1 9
September "	6,000 0 0	6 777 0 0	1,200 0 0	404 12 0	232 2 6	14,713 14 6
October "	6,000 0 0	6,773 9 6	1,200 0 0	389 2 0	276 15 6	14,639 11 0
November "	4,883 5 4	6,776 0 0	1,200 0 0	....	135 1 6	12,994 6 10
December "	5,532 3 4	6,769 0 0	1,200 0 0	370 6 0	77 7 6	13,949 0 10
January 1872	6,552 14 1	6,777 0 0	1,200 0 0	303 12 0	214 10 9	15,048 4 10
February "	6,200 0 0	6,794 11 10	1,200 0 0	435 2 0	84 7 6	14,714 5 4
March "	6,200 0 0	6,827 0 0	1,200 0 0	390 2 0	706 10 3	15,323 12 3
Total ...	71,368 6 9	81,372 10 4	14,400 0 0	4,102 0 0	3,151 13 3	1,74,394 14 4

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg 5th Judge and Clerk of the Court.

No. 11.

Statement showing the net amount credited to Government from 1st April 1871 to 31st March 1872.

MONTHS.	Commission and fees paid in stamps, &c.	Fines.	Unclaimed suitor's money.	Total amount credited.
1871.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
April ...	15,269 15 3	10 0 0	368 13 0	15,648 12 3
May ...	18,014 11 6	29 8 0	647 14 0	18,692 1 6
June ...	20,675 15 9	7 6 0	584 15 3	21,268 5 0
July ...	17,902 1 6	12 6 0	739 3 8	18,653 11 2
August ...	22,643 5 3	....	521 2 9	23,224 8 0
September ...	21,136 11 6	16 0 0	384 12 0	21,537 7 6
October ...	5,837 14 3	.....	158 15 3	5,996 13 6
November ...	8,472 4 3	.....	425 6 0	8,897 10 3
December ...	11,993 7 0	.....	405 8 0	12,398 15. 0
1872.				
January ...	22,321 8 9	5 0 0	.....	22,326 8 9
February ...	16,665 12 3	....	....	16,665 12 3
March ...	16,475 10 3	5 0 0	1,247 5 10	17,728 0 1
Total ...	1,97,409 5 6	85 4 0	5,513 15 9	2,03,038 9 3

CALCUTTA COURT OF SMALL CAUSES,
The 26th June 1872.

GIDEON C. SCONCE,
Offg. 5th Judge and Clerk of the Court.

No. 12.

Statement of Indigent Debtors relieved from 1st April 1871 to 31st March 1872, prepared in conformity with Mr Secretary Eden's letter No. 873T, dated 1st October 1863.

Date and Month.	Names of Parties relieved.	Amount paid.
1871.		Rs. A. P.
1st June	Richard Barwell	5 0 0
26th „	Mrs. Margaret Pearce	20 0 0
5th July	C. Hawkesworth	2 0 0
14th „	C. F. Frazer	12 11 6
19th „	Gheesees Mehtrancy	3 0 0
16th August	H. C. Derosaire	5 0 0
31st „	Mrs. M. Rozario	4 12 0
16th December	Harran Moye Dossee	0 8 0
18th „	Mrs. Lydia Nyas	38 4 0
1872.		
9th January	E. D'Cruze	15 2 9
6th March	John A. Gabriel	6 12 0
21st „	M. Robinson	2 10 3
	Total ...	115 12 6

CALCUTTA COURT OF SMALL CAUSES,

The 26th June 1872.

GIDEON C SCONCE,

Offg. 5th Judge and Clerk of the Court.

No. 13.

Statement of the number of ex-parte cases disposed of by the Judges of the Calcutta Court of Small Causes from 1st April 1871 to 31st March 1872.

	First Judge.	Second Judge.	Third Judge.	Fourth Judge.	Fifth Judge.	Total.
1871.						
April	36	83	85	151	142	497
May	49	87	134	130	214	614
June	59	101	158	148	254	715
July	23	92	121	163	211	610
August	51	106	140	181	264	744
September	41	91	150	172	269	723
October	20	62	80	107	109	378
November	24	19	33	53	34	163
December	39	66	91	137	141	474
1872.						
January	44	95	144	199	157	639
February	68	93	127	176	182	646
March	67	69	133	142	128	539
Total	521	966	1,396	1,754	2,105	6,742

CALCUTTA COURT OF SMALL CAUSES,

The 26th June 1872.

GIDEON C. SCONCE,

Offg. 5th Judge and Clerk of the Court.

Compara

	1st Year, 1850-51.	2nd Year, 1851-52.	3rd Year, 1852-53.	4th Year, 1853-54.	5th Year, 1854-55.	6th Year, 1855-56.	7th Year, 1856-57.	8th Year, 1857-58.	9th Year, 1858-59.	10th Year, 1859-60.
	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Number of cases instituted .. English ..	4,407	4,544	4,796	4,397	4,492	5,617	6,254	5,834	5,450	6,452
Number of cases instituted .. Native ..	16,916	23,205	22,085	20,058	20,201	21,421	22,412	25,000	24,506	25,885
Total ..	21,323	27,749	26,881	24,455	24,693	27,038	28,666	30,843	29,956	32,287
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	R
Amount litigated	4,47,381 0 0	5,31,499 12 4	5,17,963 5 10	5,08,820 11 10	5,25,139 3 4	6,63,241 11 11	7,38,111 2 6	8,01,824 6 0	7,65,412 11 1	9,35,00
Commission and fees paid into court on institution of suits..	59,531 14 6	75,938 8 9	73,763 13 0	73,812 14 3	75,870 7 9	90,844 10 3	1,01,464 2 9	1,12,778 12 9	1,09,260 7 6	1,33,317 7
Amount credited to Government. — Net amount of commission and fees credited to Government on suits	57,452 13 6	74,799 4 9	77,202 4 9	75,180 7 6	78,393 9 6	90,333 9 3	1,00,801 14 0	1,12,624 6 9	1,07,918 0 9	1,28,992 13
Do. on distresses for rent	1,510 7 0	1,778 8 0	1,969 8 0	1,629 0 0	1,430 12 0	1,543 4 0	1,006 0 0	1,157 0 0	839 0 0	1,462 12
Amount credited to Government on account of fines	651 6 6	585 4 3	484 13 3	786 15 9	240 12 3	253 14 9	493 5 3	343 5 9	202 8 6	191 12
Ditto on account of unclaimed monies belonging to suitors and landlords	.....	.....	.....	.....	.....	.....	785 4 9	2,720 13 3	1,668 0 3	1,467 7
Ditto on account of savings from salaries, sale of old furnitures, records, &c.	207 6 0	712 0 3	100 9 3	.....	695 3 8	28 0 9	15 9 6	255 9 5	88 2 9	
Net total amount credited to Government in the cash account ..	59,822 1 0	77,875 1 3	79,757 3 3	77,596 7 3	75,760 5 5	92,158 12 9	1,03,096 1 6	1,24,101 3 2	1,10,915 11 9	1,32,144 3
Amount paid into court under decrees, &c.	2,46,313 0 0	2,81,804 11 0	1,14,017 2 9	1,08,620 7 11	1,12,190 14 4	1,39,572 15 7	1,72,972 6 8	1,98,524 3 1	1,84,062 0 10	2,16,926 14 5
Amount paid out of court on account of decrees, &c. ..	2,43,604 0 0	3,79,736 2 9	1,12,694 4 9	1,08,112 6 6	1,11,347 0 6	1,40,190 7 3	1,70,817 14 2	1,98,633 0 10	1,84,084 3 2	2,16,302 0 2
	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.
Number of days on which the court was open..	258	274	277	260	235	254	246	250	246	249
Average number of cases instituted daily	82·6	101·2	96·6	94·0	105·0	106·4	116·5	123·3	121·7	129·6
Cases under Rs. 5 ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ditto „ 10 ..	12,791	18,111	17,178	15,155	15,103	15,727	16,325	17,363	16,667	17,032
Ditto „ 20 ..	3,363	4,389	4,495	4,231	4,382	4,871	5,174	5,708	5,850	6,118
Ditto „ 50 ..	2,422	3,275	3,226	3,085	3,103	3,723	4,088	4,417	4,745	4,369
Ditto „ 100 ..	792	948	1,028	992	1,065	1,400	1,511	1,649	1,618	2,088
Ditto „ 200 ..	480	586	546	558	600	734	903	932	952	1,[illegible]
Ditto „ 300 ..	186	224	217	222	213	344	331	391	587	[illegible]
Ditto „ 400 ..	86	116	98	108	130	133	173	169	172	27[illegible]
Ditto „ 500 ..	67	100	95	104	97	106	161	214	185	235
Ditto „ 600 ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ditto „ 700 ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ditto „ 800 ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ditto „ 900 ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ditto „ 1,000 ..	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Number of summonses issued..	51,889	68,174	65,863	59,118	58,951	64,281	67,687	61,405	70,012	42,877
Ditto second summonses..	.....	9,306	7,574	5,605	3,085	2,056	1,887	1,724	1,358	757
Ditto subpœnas	18,952	23,399	21,920	19,917	18,612	20,717	22,812	22,777	23,279	25,414
Ditto attachments ..	.....	869	1,368	853	320	474	246	418	337	378
Ditto writs of execution..	3,918	4,964	6,029	5,243	4,939	6,474	7,168	8,078	7,694	8,203
Ditto bench warrants ..	.....	.....	157	142	79	39	59	19	14	25
Ditto copies of judgments	167	215	226	176	137	173	184	217	236	348
Ditto commitments ..	448	624	1,040	611	623	572	609	629	539	666
Warrants to sue and defend filed	2,170	3,205	2,675	3,196	3,340	4,128	4,700	5,743	4,574	5,088
Judgment for plaintiffs ..	8,339	10,543	9,512	8,993	8,896	11,668	2,211	13,281	12,447	13,643
Ditto defendants ..	688	952	1,747	1,742	1,403	1,239	1,022	1,154	1,412	1,617
Nonsuited	4,172	5,831	6,532	2,752	2,543	3,028	3,208	3,350	2,996	2,721
Struck out and compromised..	6,656	10,222	9,419	11,583	11,168	11,490	11,927	12,939	13,133	14,088
Undecided and pending ..	333	380	284	406	156	102	160	154	91	156
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Amount of half costs returned in cases compromised ..	10,533 5 6	9,939 11 9	6,341 9 9	12,604 15 6	11,091 2 *3	11,846 0 0	12,908 6 6	14,779 15 0	14,722 0 0	17,880 5

CALCUTTA COURT OF SMALL CAUSES,

The 26th June 1872.

The scale of pensions for Presidency Small Cause Court Judges should also be raised and two or three years' leave, taken in the course of service as a Judge, should be allowed to reckon as service qualifying for pension. When a Judge is promoted from any branch of the Public Service to a Presidency-Judgeship, some portion of his previous service should be allowed to count towards the higher Small Cause Court pension; and when a Judge is promoted to the Chief Judgeship, some portion of his service as a Judge should count for a Chief Judge's pension. This is also the rule in the High Courts with regard to Judges who may be promoted to the office of Chief Justice. If a Small Cause Court Judge is promoted to a High Court (and two Judges from the Calcutta Court and one from the Madras Court have been so promoted) a portion of his service as Chief or other Judge should count as service for a High Court Judge's pension. Similarily, if the Registrar of the Small Cause Court is promoted to a Judgeship, a portion of his service as Registrar should count towards his Judge's pension.

It is also desirable that the Judges of the Presidency Small Cause Courts should have an official position and status accorded to them. The Presidency Small Cause Courts are second in importance in the Presidency-towns only to the High Courts: but the Judges of the Courts are given no kind of precedence even within their own local jurisdiction Every District Judge in India and County Court Judge in England is, on all official occasions recognized and given a place suitable to the dignity of his office. This rule should be applied to the Small Cause Court Judges within the Presidency-towns where they exercise their jurisdiction. They should be placed at least in the third class of public officers recognized by the Warrant of Precedence. Their official and social status demand this much, and as great importance is attached to matters of this kind in India, it is of some consequence. It is not right that European and Native gentlemen holding such important judicial offices should have no recognized position at all before the European and Native public who have to appear before them and accord them judicial respect in the discharge of their public duties. In India, officials and public offices are recognized and valued with reference to the pay attached to them and to their position in the Code of Precedence, and therefore to make an office valued and respected, it is necessary not only to attach to it a fair salary, but also to recognize it in an official and public manner; and it is not conducive to the interests attaching to important judicial appointments like those under consideration to leave them unrecognized and to accord to the Judges of the Presidency Small Cause Courts no higher official recognition than is extended to the legal practitioners who practise in their Courts. The late Chief Judge, Mr. G S Fagan drew attention to this question in 1868, and applied that a status should be given to the Chief Judge; but it does not appear that anything was done in the matter. If the Court is to be recognized at all it seems only right that the recognition should extend to all the Judges, who must be members of the English Bar and native gentlemen holding a good position in the Judicial Service and in native society. Most of the grounds put forth by Mr. Fagan in support of his application apply with equal force at the present time to all the Judges of the Court. See Appendix B.

The following propositions are therefore made with reference to the Presidency Small Cause Court of Calcutta:

(1) An additional Judge should be allowed immediately the cases in that Court again increase in number

(2) The salaries of the Judges should be raised

(3.) A special scale of pensions and a shorter period of service qualifying for pension should be granted to the Judges.

(4.) The position of the Judges should be recognized in the Warrant of Precedence

It will be to the advantage of the Court itself and to the large public interests attaching to it that these improvements should take place They would not only

confer certain advantages on the few Judges who at the present time hold office and who have by their ability and zeal raised the Court to its present position, but they will secure for the Court in the future Judges of ability and capacity. The Calcutta Trades' Association, in their Report already referred to, state their views on this question very clearly. They point out that "the Judges ought to be encouraged to serve continuously and to look for their promotion in the Court instead of elsewhere, as their value to the public as Judges must increase as they advance in service and experience." And the Bengal Chamber of Commerce was of opinion that "the best training for the important office of Chief Judge ought to be in the Court itself." These views may be said to express the public and professional opinion in Calcutta. It must also be borne in mind that the prizes at the Bar and in the regular Judicial Service are greater and more numerous than in former years. No Barrister with any reasonable hope of success in his profession will give up his chances for a Small Cause Court Judgeship under the present rules as to pay and pension except as a temporary convenience, or in the hope that it may lead to something better in the way of official preferment. Appointments of this kind, particularly if made over the heads of experienced Judges already in the Court, are not only unfair to these Judges, but they are most unpopular with the public whose interests are mainly concerned. This is apparent from the views of the Public Bodies above quoted and from the opinions generally expressed on the subject. The prizes now open to the Subordinate Judicial Service include High Court Judgeships and District and Additional District Judgeships, to which the best members of that Service will look rather than to appointments in the Presidency Small Cause Court. A Small Cause Court Judge must have a good knowledge of law and the procedure of the Court; for he must decide the points raised before him *promptly* yet carefully and correctly for there is no appeal from his decisions. Promptitude and correctness in the decision of points of practice are qualities of the first importance, and they are as necessary for every Judge of the Court as for the Chief Judge. They are qualities which are best acquired and developed in the Small Cause Court itself and at the Bar, and therefore it is that a Judge; after a few years' service, gains a knowledge and experience exceedingly valuable for the discharge of the duties of his office, and which cannot be acquired in any other way, and which every new man must of necessity for a time lack. The principle of promotion, therefore, advocated by the Public Bodies of Calcutta is, undoubtedly, right and sound, and is supported by all experience, and is only fair to the Judges of the Court. The principle of gradual promotion from the lowest rung of the ladder upwards is almost universally recognized It is recognized in most departments of the Public Service, and it is the guiding rule in the conduct of commercial, banking and business establishments generally. It has been so far recognized by the Local Governments that they have, in re-appointing the Judges under the new Act, directed, under Sec. 8, that the Judges should have rank and precedence according to seniority, but this does not imply any pecuniary advantage. Having regard, therefore, to the sources from which the Presidency Small Cause Court Judgeships must be recruited, it is surely only but right to place them in a position to command really qualified persons to fill the offices: and having secured such men, to induce them to serve continuously in the Court. The special character of the work requires a certain amount of special training and experience for its due performance, which can only be acquired in the Court itself. The Government and the public, therefore, gain by a scheme of this kind.

Another consideration is, that the salaries of the Subordinate Judicial Service throughout Bengal were increased last year. The salaries now paid to Subordinate Judges in the Mofussil Courts are of greater value intrinsically than the salaries paid to Presidency Small Cause Court Judges. A Subordinate Judge receives Rs. 1,000 a month—a rate of salary paid to many other officers in different departments having fewer responsibilities and much less arduous duties to perform. Now Rs. 1,000 a month in a Mofussil station is equal to Rs. 1,500 in Calcutta at the present time. In the single item of house-rent alone there is a large saving in favor of the Mofussil officer, and so with every other item of expenditure.

This is not the case of a large department or of a numerous body of public servants. The Presidency Small Cause Court constitutes a small and separate department of the Public Service: the Court has been established for a special purpose under a special Act of the Legislature; its functions are exceptional; and the duties required of the Judges are of an exceptional, unremitting, and trying character, which require special training and experience. The Court is, therefore, clearly outside the regular judicial line, and the persons likely to be affected by the proposed rules, if granted, would not, at the present time, in Calcutta, exceed three in number.

Nor will the concessions suggested add to the expenditure to be charged to the general revenues of the country. The Calcutta Small Cause Court is not only self-supporting, but earns a large annual surplus for the Government, and would still continue to do so if the improvements proposed be granted. The fund belonging to the Court has reached over 11¼ *lakhs* of rupees, after paying all expenses, since its first establishment in 1850. The only charge upon this fund has been for a substantial new Court-house at a cost, probably, of half the accumulations. But even this must be considered a good investment, for the Court saves Rs. 1,200 a month in house-rent.

In considering these proposals, therefore, there need be no fear entertained that the revenue of the Court will be insufficient to meet the additional expense involved in carrying them into effect. It will be far more than met from this source.† If the salaries of the three Judges were raised to something less than one-third below that of the Chief Judge (say to Rs. 1,600 each), the additional expenditure involved would only be Rs. 850 a month, or a total of Rs. 10,200 in the year. This would still leave a surplus to Government on the figures of last year of no less than Rs. 56,500.

It may be said that, since the Court is making such large profits, the fees ought to be reduced. This point has not escaped attention, but the better opinion appears to be that the cheaper a Court of this kind is made the greater is the encouragement given to frivolous, if not actually false, litigation. On this point, the Bengal Chamber of Commerce observed: "The Committee consider the charges high, but having regard to the circumstance, that reduction might tend to encourage frivolous litigation, they do not press the matter." It is also to be noticed, that beyond the institution fees there are few other Court charges. The fees paid to legal practitioners and witnesses may be recovered from the losing party, and in the cases which have been compromised, *half* the court-fees are returned to the parties. Rs. 91,391 were so returned in the years 1881 and 1882.‡

The case has been stated simply and without any exaggeration. It might have been put much more strongly, but it is so strong in itself, that a bare statement of the facts would appear to be all that is required. These facts appear so plain and the evidence of them so conclusive in the published reports of the Courts, in the opinions of public bodies, in the Press, and in official correspondence, that it would seem unnecessary to state the matter differently.

In the Government of India letter dated 25th July 1882 it is stated that "the Governor General in Council, after a careful comparison of the work done in the Calcutta Court of Small Causes with that in other Presidency Small Cause Courts, is not prepared at present to sanction the above proposals. His Excellency in Council would prefer to wait and see the actual effects of the new Presidency Small Cause Courts Act (XV of 1882) on

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* 1 Native and 2 English Judges.

† See para. 5 of Bengal Government letter, Appendix B; and the Statement annexed, Appendix C.

The surplus revenue from judicial stamps in Bengal in 1881 was 28 *lakhs* of rupees over and above the cost of maintaining the establishment of the Civil Court—

‡ In 1881	Rs.	46,247
In 1882	"	45,144
	Rs.	91,391

the working of the Court." The Government of India would, therefore, appear to be not unwilling to re-consider the proposals submitted to it, and this paper has been drawn up with the object of placing before the Government facts, figures and statements which it is hoped may give a fuller and clearer idea of the actual *work* done by the Presidency Small Cause Court Judges in Calcutta, and of their position in regard to salary and pension. All these questions are obviously so intimately connected, the one with the other, as to be elements of consideratión in any scheme for the improvement of the Court. Certain of the proposals are new, but they have long been the subject of public and professional comment and remark, and are such as may, for the reasons stated, properly be brought forward in connection with a distinctive scheme for the Court. The question of pensions for Uncovenanted Servants has, there is some reason to believe, already engaged the attention of the Government of India, and it appears to be pretty generally admitted that the present Pension Rules are altogether unsuitable to many classes of officers now in the Government service. They were framed a great many years ago when the Uncovenanted Service was first opened out, and however suitable they may have been then, and for the class of persons to whom they were intended to apply, this can hardly be said to be the case any longer.

Another year's work has been done in the Small Cause Courts, and the results of that year, so far as Calcutta is concerned, are now available for consideration and comparison, and for *half* of this period the new Act has been in operation. The Annual Report of the Calcutta Judges has just been submitted to the High Court and a copy of it is annexed,—Appendix E. This paper was written before the Annual Returns and Statements had been fully completed, but these and the report of the Judges since drawn up bear out fully the views herein expressed as to the heavy nature of the work in the Calcutta Court, and the effect of the Act of 1882 upon the business of the Court. If, therefore, this paper should serve no other purpose, it may help to direct attention to the real points for consideration and to the public opinions expressed on some of the questions raised, as well as to set forth the views of those who desire some improvement in their own position and that of their successors, supported as these views undoubtedly are by public opinion.

R. S. T. MacEWEN.

CALCUTTA,
8th March, 1883.

Appendix A.

Statement of the number of Suits set down for disposal in the Presidency Court of Small Causes of Calcutta on each day on which the Court was open in the year 1882.

The days marked with an asterisk are Saturdays.

JANUARY 1882.

Dates.	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
January 3rd ..	11	34	35	44	35	159
4th ...	9	27	37	37	34	144
5th ...	9	29	33	37	30	138
6th ...	10	39	47	42	40	178
7th ...	3	8	2	5	6	24
9th ...	11	51	66	68	61	257
10th ...	8	79	84	3	71	325
11th ...	14	75	73	68	75	305
12th ...	19	52	43	44	44	202
13th ...	8	68	60	56	43	235
14th ...	1	3	5	5	4	18
16th ...	12	73	77	64	64	290
17th ...	12	58	59	48	54	231
18th ...	11	55	62	51	38	217
19th ...	6	27	30	26	40	129
20th ...	12	46	46	49	37	190
21st ...	1	10	2	7	5	25
23rd ...	11	78	67	83	95	334
26th ...	17	41	32	28	50	168
27th ...	9	45	45	35	55	189
28th ...	...	4	4	2	6	16*
30th ...	15	64	76	75	56	286
31st ...	13	55	68	56	54	246
Total for January ...	222	1,021	1,053	1,003	997	4,296

(7th) Before Chief and 2nd Judges —Applications for new trial, and new trial 11
Contested cases and other matters before 3rd Judge 2
Ditto ditto " 4th " 5
Ditto ditto " Registrar 1
Commissions " " 5
24

(14th) Before Chief and 2nd Judges.—Applications for new trial 2
Before Chief and 3rd Judges.—Applications for new trial 1
Before Chief and 4th Judges.—Applications for new trial 5
Contested cases & other matters before Chief Judge 1
Ditto ditto " 2nd " 1
Ditto ditto " 3rd " 4
Ditto ditto " Registrar 1
Commissions " " 8
18

(21st) Before Chief and 2nd Judges.—Applications for new trial 7
Contested cases & other matters before 2nd Judge 4
Ditto ditto " 3rd " 2
Ditto ditto " 4th " 7
Commissions " Registrar 5
25

* (28th) Before Chief and 2nd Judges.—Applications for new trial 2
Before Chief and 3rd Judges.—Applications for new trial 2
Before Chief and 4th Judges.—Applications for new trial 1
Contested cases & other matters before 2nd Judge 2
Ditto ditto " 3rd " 2
Ditto ditto " 4th " 1
Ditto ditto " Registrar 1
Commissions " " 5
16

FEBRUARY 1882.

Dates	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
February 1st ...	6	47	39	44	44	180
3rd ...	11	67	60	63	99	300
4th ...	2	2	5	3	5	17*
6th ..	9	73	77	67	98	324
7th ...	16	65	63	62	60	266
8th ...	8	45	50	37	61	201
9th ...	16	65	52	47	65	245
10th ..	12	72	74	65	71	294
11th ...	1	6	2	6	8	23*
13th ...	8	83	91	75	90	347
14th ...	12	59	69	55	73	268
15th ...	11	48	49	38	47	193
16th ...	9	44	38	37	45	173
17th ...	11	59	66	51	43	230
18th * ...	1	2	10	5	9	27*
20th ...	15	73	85	72	81	326
21st ...	9	58	51	54	74	246
22nd ...	9	43	47	39	47	185
23rd ...	8	51	45	41	34	179
24th ...	10	64	56	60	64	254
25th * ...	3	9	1	7	8	28*
27th ...	11	75	66	72	63	287
28th ...	8	53	62	61	75	259
Total for February ...	206	1,163	1,158	1,061	1,264	4,852

(4th) Before Chief and 2nd Judges—Applications for new trial 8
Contested cases and other matters before 2nd Judge 1
Ditto ditto " 3rd " 5
Ditto ditto " 4th " 3
Commissions " Registrar 5
— 17

(11th) Before Chief and 4th Judges.—Applications for new trial, and new trial 8
Contested cases & other matters before Chief Judge 1
Ditto ditto " 2nd " 6
Ditto ditto " 3rd " 2
Ditto ditto " 4th " 3
Ditto ditto " Registrar 2
Commissions " " 6
— 23

* (18th) Before Chief and 2nd Judges.—Applications for new trial 3
Contested cases & other matters before 3rd Judge 10
Ditto ditto " 4th " 5
Ditto ditto " Registrar 2
Commissions " " 7
— 27

* (25th) Before Chief and 2nd Judges.—Appl cations for new trial 1
Before Chief and 4th Judges.—Applications for new trial 2
Contested cases & other matters before Chief Judge 2
Ditto ditto " 2nd " 9
Ditto ditto " 3rd " 1
Ditto ditto " 4th " 5
Commissions " Registrar 8
— 28

BENGAL SECRETARIAT LIBRARY

MARCH 1882

Dates.	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
March 1st ...	9	57	58	58	89	271
2nd ...	8	48	39	43	38	176
3rd ...	11	61	58	59	61	250
6th ...	10	55	56	56	54	231
7th ...	7	59	52	49	69	236
8th ...	7	48	45	44	42	186
9th ...	13	41	43	48	43	188
10th ...	7	36	35	33	40	151
11th ...	3	4	8	3	4	22*
13th ...	11	47	44	54	61	217
14th ..	10	60	57	66	39	232
15th ...	8	59	57	45	53	222
16th ...	8	43	36	36	48	171
17th ...	10	43	46	40	32	171
18th ...	3	5	2	2	6	18
20th ...	13	68	79	71	83	314
21st ...	12	57	66	65	47	247
22nd ...	15	59	53	57	77	261
23rd ...	9	46	46	32	46	179
24th ...	6	55	51	51	70	233
25th * ...	3	3	9	4	11	30
27th ...	9	65	62	61	111	308
28th ...	7	58	62	67	61	255
29th ...	17	50	52	50	50	219
30th	10	61	46	45	61	223
31st ...	9	58	62	57	62	248
Total for March ...	236	1,246	1,216	1,193	1,358	5,249

* (11th) Before Chief and 2nd Judges.—Applications for new trial	7
Before Chief and 3rd Judges.— Ditto ditto	1
Contested cases and other matters before 3rd Judge	7
Ditto ditto " 4th "	3
Commissions " Registrar	4
	22

(18th) Before Chief, 2nd and 3rd Judges.—New trials	2
Before Chief and 4th Judges.—Applications for new trial	1
Contested cases and other matters before Chief Judge	1
Ditto ditto " 2nd "	5
Ditto ditto " 3rd "	2
Ditto ditto " 4th "	1
Ditto ditto " Registrar	4
Commissions " "	2
	18

(25th) Before Chief and 2nd Judges.—Applications for new trials	6
Before Chief and 3rd Judges.— Ditto ditto	1
Contested cases and other matters before 3rd Judge	8
Ditto ditto " 4th "	4
Ditto ditto " Registrar	9
Commissions " "	2
	30

APRIL 1882.

Dates.	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
April 1st ...	3	...	4	5	9	21
3rd ...	12	66	79	59	89	305
4th ...	9	50	57	49	51	222
5th ...	8	53	43	44	57	205
6th ...	9	41	35	33	63	181
10th ...	9	58	64	72	57	260
11th ...	8	61	69	60	67	265
13th ...	6	20	29	31	50	136
14th ...	8	57	52	41	57	215
15th ...	2	11	5	3	12	33*
17th ...	5	47	62	53	55	222
18th ...	9	42	39	39	43	172
19th ...	10	40	42	42	33	167
20th ...	10	40	43	32	29	154
21st ..	9	43	49	44	36	181
22nd ...	5	3	4	3	6	21
24th ...	10	63	68	67	61	269
25th ..	7	54	62	49	56	228
26th ...	6	45	42	46	49	188
27th ...	11	35	34	31	53	164
28th ...	8	60	53	53	48	222
29th ...	5	2	8	5	12	32*
Total for April ..	169	891	943	861	999	3.863

(1st) Before Chief, 2nd and 3rd Judges.—New trial... 1
Contested cases & other matters before Chief Judge 2
Ditto ditto " 3rd " 4
Ditto ditto " 4th " 5
Ditto ditto " Registrar 6
Commissions " " 3
21

(15th) Before Chief, 2nd and 3rd Judges.—New trial 1
Before Chief and 2nd Judges.—Applications for new trial 4
Before Chief and 3rd Judges.—Applications for new trial 1
Contested cases & other matters before Chief Judge 1
Ditto ditto " 2nd " 7
Ditto ditto " 3rd " 4
Ditto ditto " 4th " 3
Ditto ditto " Registrar 10
Commissions " " 2
33

(22nd) Before Chief and 2nd Judges.—New trial ... 1
Before Chief and 3rd Judges.—Applications for new trial 2
Before Chief and 4th Judges.—Applications for new trial 2
Contested & other matters before Chief Judge ... 4
Ditto ditto " 2nd " ... 3
Ditto ditto " 3rd " ... 2
Ditto ditto " 4th " ... 1
Ditto ditto " Registrar ... 3
Commissions " " ... 3
21

* (29th) Before Chief and 2nd Judges.—Applications for new trial 5
Contested cases & other matters before Chief Judge 2
Ditto ditto " 3rd " 8
Ditto ditto " 4th " 5
Ditto ditto " Registrar 10
Commissions " " ... 2
32

MAY 1882.

Days.	BENCHES 1st	2nd.	3rd.	4th	Registrar	Daily Total
May 1st	8	55	69	54	77	263
2nd	9	46	56	58	52	221
3rd ..	7	57	48	35	42	189
4th	7	37	48	31	45	168
5th	6	53	52	42	52	205
6th	2	8	3	6	8	27
8th	10	57	53	54	78	252
9th	10	45	45	40	52	192
10th	4	56	49	46	44	199
11th	9	37	39	33	42	160
12th	12	53	49	63	45	222
13th	4	2	6	2	4	18*
15th	9	36	48	38	54	185
16th	10	47	56	54	62	229
17th	10	48	44	42	44	188
18th	4	42	43	25	47	161
19th	12	59	51	35	34	191
20th	2	25	7	1	9	44*
22nd	10	55	59	52	42	218
23rd	13	50	48	40	59	210
25th	14	54	52	56	54	230
26th	11	51	52	63	51	228
29th	10	71	70	63	50	264
30th	9	69	56	56	47	237
31st	6	34	31	36	38	145
Total for May ...	208	1,147	1,134	1,025	1,132	4,646

(6th) Before Chief, 2nd and 3rd Judges —New trial 2
Before Chief and 3rd Judges —Applications for new trial 3
Before Chief and 4th Judges —Ditto ditto 1
Contested cases and other matters before 2nd Judge 8
Ditto ditto „ 4th „ 5
Ditto ditto „ Registrar 6
Commissions „ „ 2
27

(18th) Before Chief, 2nd and 3rd Judges.—Applications for new trial 1
Before Chief and 2nd Judges — Ditto ditto 2
Contested cases and other matters before Chief Judge 2
Ditto ditto „ 2nd ditto 1
Ditto ditto „ 3rd ditto 6
Ditto ditto „ 4th ditto 2
Ditto ditto „ Registrar 3
Commissions „ „ 1
18

(20th) Before Chief and 2nd Judges —New trial and applications for new trial 2
Before Chief and 3rd Judges.—Applications for new trial 3
Before Chief and 4th Judges —Ditto ditto 1
Contested cases and other matters before 2nd Judge 25
Ditto ditto „ 3rd „ 4
Ditto ditto „ Registrar 7
Commissions „ „ 2
44

JUNE 1882.

Dates.	BENCHES. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
June 1st ...	10	58	52	46	64	230
2nd ..	12	63	62	56	48	241
3rd* ...	...	5	6	4	7	22*
5th ...	8	59	67	56	55	245
6th ...	8	49	47	46	36	186
7th ...	8	49	43	31	47	178
8th .	11	37	36	41	27	152
9th ...	5	36	42	40	45	168
10th* ...	10	.....	5	5	6	26*
12th ..	9	56	57	53	54	229
13th ...	13	64	66	65	71	279
14th ...	11	52	53	39	66	221
15th ...	8	63	54	50	57	232
16th ...	5	63	79	61	64	272
17th* ...	...	6	11	13	8	38*
19th ...	6	48	51	49	59	213
20th ...	7	39	31	34	38	149
21st ...	8	42	36	35	45	166
22nd ..	13	51	32	40	35	171
23rd ...	7	57	54	57	47	222
24th* ...	1	12	6	3	8	30*
26th ...	7	75	70	76	74	302
27th ...	9	59	52	49	62	231
28th ..	9	61	64	54	64	252
29th ...	10	50	48	46	53	207
30th ...	12	57	56	50	42	217
Total for June ..	207	1,211	1,180	1,099	1,182	4,879

(3rd) Before Chief and 2nd Judges.—Applications for new trial 4
Before Chief and 2nd Judges.—Applications for new trial 1
Contested cases & other matters before Chief Judge 1
Ditto ditto " 3rd " 5
Ditto ditto " 4th " 4
Ditto ditto " Registrar 1
Commissions " " 6
22

(10th) Before Chief and 4th Judges.—Applications for new trial, and new trial 8
Contested cases & other matters before 2nd Judge 10
Ditto ditto " 3rd " 5
Ditto ditto " 4th " 2
Ditto ditto " Registrar 2
Commissions " " 4
26

* (17th) Before Chief and 2nd Judges.—Applications for new trial, and new trial 5
Before Chief and 3rd Judges.—Applications for new trial, and new trial 1
Contested cases & other matters before 2nd Judge 1
Ditto ditto " 3rd " 10
Ditto ditto " 4th " 13
Ditto ditto " Registrar 5
Commissions " " 3
38

(24th) Before Chief and 3rd Judges.—Applications for new trial 3
Contested cases & other matters before Chief Judge 1
Ditto ditto " 2nd " 12
Ditto ditto " 3rd " 3
Ditto ditto " 4th " 3
Ditto ditto " Registrar 6
Commissions " " 2
30

JULY 1882.

Dates.	Benches. 1st.	2nd.	3rd.	4th	Registrar	Daily Total.
July 1st ...	2	8	12	1	6	29*
3rd ..	7	55	61	58	65	246
4th ..	10	54	53	49	66	232
5th .	7	47	52	58	49	213
6th ..	19	60	52	52	33	207
7th ..	9	58	60	58	62	247
8th ...	1	1	8	4	3	17*
10th ...	6	19	15	26	13	79
11th ...	8	25	23	27	26	109
12th ..	9	23	33	19	24	108
13th ..	5	23	31	23	32	114
14th ...	8	32	34	37	27	138
15th ...	4	5	8	4	6	27*
17th ...	7	32	33	30	39	141
18th ..	2	32	28	25	42	129
19th ...	8	26	30	29	51	144
20th ...	10	32	33	36	27	138
21st ...	7	32	36	35	54	164
22nd ...	1	7	7	3	9	27*
24th ...	8	35	39	34	56	172
25th ...	5	32	32	29	49	147
26th ...	8	34	33	31	40	146
27th ...	9	33	29	26	21	118
28th ...	7	47	40	44	51	189
29th ...	3	4	10	7	8	32*
31st ...	4	38	38	35	46	161
Total for July ...	165	794	830	780	905	3,474

(1st) Before Chief and 2nd Judges.—Applications for new trial 8
Before Chief and 3rd Judge.—Applications for new trial 2
Contested cases & other matters before 2nd Judge 2
Ditto ditto " 3rd " 10
Ditto ditto " 4th " 1
Ditto ditto " Registrar 5
Commissions " " 1
29

* (8th) Before Chief and 3rd Judges.—Applications for new trial 1
Contested cases & other matters before Chief Judge 1
Ditto ditto " 2nd " 1
Ditto ditto " 3rd " 7
Ditto ditto " 4th " 4
Ditto ditto " Registrar 1
Commissions " " 2
17

* (15th) Before Chief and 2nd Judges.—Applications for new trial 4
Before Chief, 2nd and 3rd Judges.—Applications for new trial 2
Contested cases & other matters before Chief Judge 2
Ditto ditto " 2nd " 1
Ditto ditto " 3rd " 8
Ditto ditto " 4th " 4
Ditto ditto " Registrar 3
Commissions " " ... 3
27

* (22nd) Before Chief and 2nd Judges.—Applications for new trial 1
Before Chief and 3rd Judges.—Applications for new trial 1
Before Chief and 4th Judges.—Applications for new trial 1
Examination of a witness *de bene esse* before Chief Judge 1
Contested cases & other matters before 2nd Judge 6
Ditto ditto " 3rd " 6
Ditto ditto " 4th " 2
Ditto ditto " Registrar 6
Commissions " " 3
27

(29) Before Chief and 2nd Judges.—Applications for new trial 5
Before Chief, 2nd and 3rd Judges.— Ditto ditto 1
Contested cases before 2nd Judge 1
Ditto " 3rd " 10
Ditto " 4th " 7
Ditto " Registrar 6
Commissions " " 2
32

AUGUST 1882.

Dates.	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
August 1st ...	8	35	38	34	53	168
2nd ...	6	36	33	30	62	167
3rd ...	11	31	31	31	34	138
4th ...	5	39	46	29	54	173
5th ...	2	2	8	9	9	30
7th ...	9	38	29	33	40	149
8th ...	8	47	41	37	42	175
9th ...	9	42	30	35	36	152
10th .	7	46	39	37	45	174
11th ...	5	51	44	34	45	179
12th ...	4	3	15	8	9	39*
14th ...	4	50	41	41	54	190
15th ...	10	31	38	42	45	166
18th ..	6	30	36	27	34	133
19th ...	2	2	12	6	10	32*
21st ...	8	41	38	34	57	178
22nd ...	6	35	28	29	31	129
23rd ...	5	39	29	31	46	150
24th ...	11	40	39	34	35	159
25th ...	4	41	38	42	76	201
26th ...	1	6	14	6	16	43
28th ..	4	49	55	46	66	220
29th ...	4	54	52	51	63	224
30th ...	5	45	35	40	48	173
31st ...	10	35	28	26	41	140
Total for August .	144	868	747	772	1,051	3,582

(5th) Before Chief and 2nd Judges.—Applications for new trial	1
Before Chief and 4th Judges — Ditto ditto	1
Before Chief Judge and Registrar.—Ditto ditto	2
Contested cases and other matters before Chief Judge	1
Ditto ditto " 2nd "	2
Ditto ditto " 3rd "	8
Ditto ditto " 4th "	8
Ditto ditto " Registrar	4
Commissions " "	3
	30
(12th) Before Chief and 2nd Judges.—Applications for new trials and new trial	6
Before Chief, 2nd and 3rd Judges.—Applications for new trial	1
Contested cases and other matters before 3rd Judge	15
Ditto ditto " 4th "	8
Ditto ditto " Registrar	6
Commissions " "	3
	39
(19th) Before Chief and 2nd Judges.—Applications for new trial	1
Before Chief and 3rd Judges.— Ditto ditto	2
Before Chief and 4th Judges.— Ditto ditto	1
Contested cases and other matters before Chief Judge	1
Ditto ditto " 2nd "	2
Ditto ditto " 3rd "	10
Ditto ditto " 4th "	5
Ditto ditto Registrar	5
Commissions " "	5
	32
(26th) Before Chief and 2nd Judges.—Applications for new trial	6
Contested cases and other matters before 2nd Judge	1
Ditto ditto " 3rd "	14
Ditto ditto " 4th "	6
Ditto ditto " Registrar	13
Commissions " "	3
	43

SEPTEMBER 1882.

Dates.	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total
September 1st ...	24	38	45	36	59	202
2nd ..	1	...	8	9	16	34*
5th ..	11	40	46	43	71	211
6th ...	5	45	30	30	58	168
7th ...	7	32	36	37	41	153
8th ..	6	55	41	44	45	191
9th ...	2	4	16	6	16	44*
11th ...	11	44	38	42	65	200
12th ...	4	46	44	46	60	200
13th ...	6	56	43	40	61	206
14th ...	11	38	34	32	52	167
15th ...	5	61	54	49	59	228
16th ..	1	...	10	5	14	30*
18th ...	5	39	35	40	73	192
19th ...	8	52	41	44	69	214
20th ...	10	44	38	43	55	190
21st ...	6	41	35	23	51	156
22nd ...	6	51	46	42	47	192
23rd * ...	2	7	9	8	13	39
25th ..	13	48	44	40	97	242
26th ...	6	39	37	41	70	193
27th ..	5	57	54	52	75	243
28th ..	13	44	42	42	64	205
29th ...	9	53	52	53	74	241
30th ...	2	19	14	4	13	52*
Total for September ...	179	953	892	851	1,318	4,193

(2nd) Before Chief and 4th Judges.—Applications for new trial 4
Contested cases & other matters before Chief Judge 1
Ditto ditto " 3rd " 8
Ditto ditto " 4th " 5
Ditto ditto " Registrar 11
Commissions " " 5
— 84 —

(9th) Before Chief and 2nd Judges.—Applications for new trial 5
Contested cases and other matters before 2nd Judge 1
Ditto ditto " 3rd " 16
Ditto ditto " 4th " 6
Ditto ditto " Registrar 12
Commissions " " 4
— 44 —

* (16th) Contested cases & other matters before Chief Judge 1
Ditto ditto " 3rd " 10
Ditto ditto " 4th " 5
Ditto ditto " Registrar 12
Commissions " " 2
— 30 —

* (23rd) Before Chief, 2nd and 3rd Judges.—New trial 1
Before Chief and 2nd Judges —Applications for new trial 2
Contested cases & other matters before Chief Judge 1
Ditto ditto " 2nd " 5
Ditto ditto " 3rd " 9
Ditto ditto " 4th " 8
Ditto ditto " Registrar 8
Commissions " " 5
— 39 —

(30th) Before Chief and 3rd Judges.—Applications for new trial 2
Contested cases and other matters before Chief Judge 2
Ditto ditto " 2nd " 19
Ditto ditto " 3rd " 12
Ditto ditto " 4th " 4
Ditto ditto " Registrar 9
Commissions " " 4
— 52 —

OCTOBER 1882.

Dates.	Benches 1st	2nd	3rd	4th.	Registrar	Daily Total
October 3rd ...	6	50	50	49	65	220
4th ...	6	50	39	48	77	220
5th ..	10	55	50	46	65	226
6th ...	5	44	47	46	77	219
7th ...	2	10	14	3	25	54*
9th ...	11	60	52	55	106	284
10th ...	6	76	64	61	77	284
12th ...	10	66	61	54	98	289
13th ...	6	56	41	60	66	229
14th ..	3	38	2	8	26	77*
16th ...	7	45	25	33	41	151
17th ...	3	35	20	23	33	114
Total for October ...	75	585	465	486	756	2,367

(7th) Before Chief and 2nd Judges —Applications for new trial				...	... 2
Contested cases and other matters before Chief Judge				...	... 2
Ditto	ditto	"	2nd "	...	... 8
Ditto	ditto	"	3rd "	...	... 14
Ditto	ditto	"	4th "	..	... 3
Ditto	ditto	"	Registrar	...	... 22
Commissions		"	"	..	... 3
					54

(14th) Before Chief and 2nd Judges —Applications for new trial				...	... 2
Contested cases and other matters before Chief Judge				...	... 2
Ditto	ditto	"	2nd "	..	... 37
Ditto	ditto	"	3rd "	...	... 2
Ditto	ditto	"	4th "	...	... 8
Ditto	ditto	"	Registrar	...	... 23
Commissions		"	"	...	3
					77

From the 18th to the 31st, the Court was closed for the *Doorga Poojah* holidays, of this period 2 days were Sundays.

NOVEMBER 1882.

Dates	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total.
November 13th ...	3	4	3	22	11	43
14th ...	5	15	14	13	13	60
15th ...	4	21	23	16	29	93
16th ...	8	27	28	27	21	111
17th ...	6	47	51	48	44	196
18th ..	2	1	19	7	7	36
24th ...	6	19	14	14	20	73
25th ...	2	10	12	9	7	40*
27th ...	3	40	39	40	66	188
28th	10	41	31	36	84	202
29th ...	6	30	31	20	43	130
30th ...	8	34	25	28	44	139
Total for November ...	63*	289	290	280	389	1,311

(18th)	Before Chief and 2nd Judges.—Applications for new trial	... ...	3
	Contested cases and other matters before 3rd Judge	... ...	19
	Ditto ditto " 4th "	... ...	7
	Ditto ditto " Registrar	... ...	5
	Commissions " "	... ...	2
			36

(25th)	Before Chief and 2nd Judges.—Applications for new trial	... ...	2
	Before Chief and 3rd Judges.— Ditto ditto	... ...	3
	Before Chief and 4th Judges.— Ditto ditto	... ...	4
	Contested cases and other matters before 2nd Judge	... ...	10
	Ditto ditto " 3rd "	... ...	9
	Ditto ditto " 4th "	... ...	5
	Ditto ditto " Registrar	... ...	4
	Commissions " "	... ...	3
			40

From the 1st to the 13th, the Court was closed for the *Doorga Poojah* holidays; of this period 2 days were Sundays.

DECEMBER 1882.

Dates	BENCHES. 1st.	2nd.	3rd.	4th.	Registrar.	Daily Total
December 1st ...	5	66	67	67	104	309
2nd ...	2	5	15	2	8	32
4th ...	4	51	53	44	129	281
5th ...	3	42	38	39	65	187
6th ...	3	27	30	28	72	160
7th ...	6	39	30	37	72	184
8th ...	5	40	42	33	57	177
9th ..	...	14	7	4	12	37*
11th ...	6	58	55	54	70	243
12th ...	4	44	48	35	91	222
13th ...	5	51	38	36	62	192
14th ...	11	54	56	35	75	231
15th ...	7	63	63	51	61	245
16th ...	1	18	13	5	4	41
18th ...	4	56	46	37	74	217
19th ...	10	58	38	40	65	211
20th ...	7	55	33	34	52	181
21st ...	11	48	32	31	55	177
22nd ...	5	63	49	38	41	196
23rd* ..	...	21	5	1	16	43*
Total for December ...	99	873	758	651	1,185	3,566

(2nd)	Before Chief and 2nd Judges.—Applications for new trial	5
	Contested cases and other matters before Chief Judge	2
	Ditto ditto " 3rd "	15
	Ditto ditto " 4th "	2
	Ditto ditto " Registrar	7
	Commissions " "	1
		32
(9th)	Before Chief and 3rd Judges.—Applications for new trial	1
	Contested cases and other matters before 2nd Judge	14
	Ditto ditto " 3rd "	6
	Ditto ditto " 4th "	4
	Ditto ditto " Registrar	10
	Commissions " "	2
		37
(16th)	Before Chief, 2nd and 3rd Judges.—Applications for new trial	16
	Contested cases and other matters before 2nd Judge	8
	Ditto ditto " 3rd "	18
	Ditto ditto " 4th "	5
	Ditto ditto " Registrar	2
	Commissions " "	2
		41
(23rd)	Before Chief, 2nd and 3rd Judges.—Applications for new trial	12
	Contested cases and other matters before 2nd Judge	9
	Ditto ditto " 3rd "	5
	Ditto ditto " 4th "	1
	Ditto ditto " Registrar	13
	Commissions " "	8
		48

From the 24th to the 31st, the Court was closed for the Christmas holidays; of this period 2 days were Sundays.

TOTALS FOR THE 12 MONTHS.

Months.	Benches. 1st.	2nd.	3rd.	4th.	Registrar.	Grand Total.
January ..	222	1,021	1,053	1,003	997	4,296
February ...	206	1,163	1,158	1,061	1,264	4,852
March ...	236	1,246	1,216	1,193	1,358	5,249
April ...	169	891	943	861	999	3,863
May ...	208	1,147	1,134	1,025	1,132	4,646
June ...	207	1,211	1,180	1,099	1.182	4,879
July ...	165	794	830	780	05	3,474
August ...	144	868	747	772	1,051	3,582
September ...	179	953	892	851	1,318	4,193
October ...	75	585	465	486	756	2,367
November ...	63	289	290	280	389	1,311
December ...	99	873	758	651	1,185	3,566
Totals for the year ...	1,973	11,041	10,666	10,062	12.536	46.278*

The number of suits pending from 1881 and instituted in 1882 was 30,886: the difference 15,392 are cases more or less affected by postponements. Of course many of these are counted several times over, but still they represent in figures *one-half* of the number of cases pending before the Court during the year.

Distribution of Cases in 1882.

1st January to 30th June.

1st Judge	1/2	above	...	...	...	Rs. 500	to	1,000
	1/4	"	...	...	..	" 200	"	500
	1/8	from	...	...	...	" 100	"	200
2nd Judge	1/2	above	...	...	...	" 500	"	1,000
	1/4	"	...	...	...	" 200	"	500
	7/24	"	...	...	...	" 100	"	200
	1/8	"	...	...	...	" 10	"	100
	1/10	"	...	...	...	" 5	"	10
3rd Judge	1/2	above	..	...	...	" 500	"	1,000
	1/4	"	...	...	...	" 200	"	500
	7/24	"	...	...	...	" 100	"	200
	1/8	"	...	...	...	" 10	"	100
	1/10	"	...	...	...	" 5	"	10
4th Judge	1/2	above	...	...	...	" 500	"	1,000
	1/4	"	...	...	...	" 200	"	500
	7/24	"	...	...	...	" 100	"	200
	1/8	"	...	...	...	" 10	"	100
	1/10	"	...	...	...	" 5	"	10
Registrar.	7/10	above	...	...	...	" 5	"	10

1 to 5 exclusively.

1st July to 31st December.

1st Judge.						Rs. 800	to	2,000
2nd Judge.	1/2	from	...	...	...	" 20	"	800
	1/4	"	...	...	...	" 10	"	20
3rd Judge.	1/2	from	...	...	...	" 20	"	800
	1/4	"	...	...	...	" 10	"	20
4th Judge.	1/2	from	...	...	...	" 20	"	800
	1/4	"	...	...	...	" 10	"	20
Registrar	1/2	from	...	...	...	" 10	"	20

And all suits from 1 to 10.

Statement of the Number and Value of Suits instituted in the Court of Small Causes of Calcutta in the years 1881 *and* 1882.

Class of Suits.	1881.	1882.
Not exceeding Rs. 10	13,145	10,776
Ditto „ 50	14,030	12,130
Ditto „ 100	3,070	2,851
Ditto „ 500	3,183	3,050
Ditto „ 1,000	625	612 †
Above Rs. 1,000	55*	134 †
	34,108	29,553

These were after abandoning all excess over Rs. 1,000.

† The 612 include 34 suits instituted before 1st July after abandoning all excess over Rs. 1,000. The 134 suits were instituted under the new Act after 1st July.

Appendix B.

OFFICIAL CORRESPONDENCE.

No. 35.

FROM

H. MILLETT, ESQ.,

First Judge, Calcutta Court of Small Causes,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL,

JUDICIAL DEPARTMENT.

Dated Calcutta, the 6th April 1882.

SIR,

WITH reference to "The Presidency Small Cause Courts Act, 1882," which, in extending the jurisdiction of this Court, makes an alteration both in its constitution and working, I have to suggest, for the consideration of His Honor the Lieutenant-Governor, certain matters which will be necessary to carry out its provisions.

2. The present suggestions deal only with those matters which are reasonably clear, and must, in my opinion, be dealt with at once, while there are others which cannot be settled until the procedure of the Court is thoroughly ascertained.

3. Section 23 of the Act extends a large portion of the Code of Civil Procedure to the Court: "Provided that the Court may, subject to the control of the Local Government, from time to time, by notification in the official Gazette, declare that any of the said portions of the said Code shall not extend and be applied to the Small Cause Court, or that any of the said portions shall so extend and be applied with such modifications as the Court, subject to the control aforesaid, may think fit." With a view to carry out this section, the Judges have been holding almost daily meetings, and will in due course forward their deliberations to Government in a substantive form. But I may here state that their intention is, as far as is reasonable, to apply the Code of Civil Procedure in such a manner as to make the procedure somewhat similar to the former procedure of the Court. At the best it must be more complicated and cannot be so simple as that provided by Act IX of 1850. Until the procedure is so settled, nothing further can be done. No rules can be framed either for the working of the Court or its offices. The latter will have to be entirely re-organized, and printed forms provided, differing in many instances considerably from those now in use.

4. Another Judge will be absolutely necessary. The reports of this Court have from time to time shown that, even on the present lines, the work of the Court has been gradually increasing. The extended jurisdiction (*i. e.*, for suits between Rs. 1,000 and Rs. 2,000) will bring in, it is calculated, about 250 suits per annum. These being the more important cases will certainly occupy the time of one Judge.

* * * * * * *

8. Now that the jurisdiction of the Court has been extended, and the Judges will have to try more important cases, I desire to make some reference to their salaries. The salaries of the Third and Fourth Judges were fixed in 1864 at a maximum of Rs. 1,250. This was 18 years ago at a time when such an income represented much more than it does now, and the work of the Judges was very much less both in quantity and importance. In 1874, eight years ago, the salaries of the present Second and Third Judges were equalized, and they each receive Rs. 1,350—(Bengal Government No. 1071CS, to the Government of India, Home Department, dated 7th April 1874). During Mr. Ninian Thomson's incumbency as Second Judge, he took a larger share of the more important cases *below* Rs. 500 than the Third and Fourth Judges, but none above that limit, and received a salary of Rs. 1,500. On his retirement, these cases were distributed to the present Second and Third Judges, and later on to the Fourth Judge; and for the past year I have, owing to the pressure of work in the First Judge's Court, had to distribute

a small share of the suits between Rs. 500 and Rs. 1,000 to these three Judges.. The new Act doubles the jurisdiction of the Court, and the new procedure will add very much to the work to be done in Court. The present three Senior Judges will, therefore, have to relieve the First Judge of all suits between Rs. 500 and Rs. 1,000, which now chiefly constitute the work of the First Bench, and possibly of some portion of the new suits. They will also have to take their share of new trial business with the First Judge in all classes of cases. All this will increase their work and responsibilities, although they may be relieved of the smaller cases by a new Judge. Their salaries ought, therefore, in fairness to be commensurately raised. The First Judge's salary rises from Rs. 2,000 to Rs. 2,500 in five years, but there is a considerable disparity between his and that of the others, to whom it will now be necessary to assign the judicial work at present performed by him. If His Honor should think it preferable to fix a graded scale of pay for these offices, the present Second, Third and Fourth Judges at any rate should be retained on the same relative footing as regards pay as they at present hold to each other even though the maximum permanent scale of rates to be allowed to their successors should be different. In doing this I say nothing on my own behalf, for I particularly wish to exclude myself from any such proposal.

* * * * * * * * * * *

12. It will be manifest from what has gone before, that there will be an increase of work not only for the judicial, but also for the subordinate, staff. This will arise not only from the increased jurisdiction, but also from the change in the procedure. I have already stated in paragraph 3 that, at the best, the procedure must be more complicated than formerly, this will entail increased work in the various departments. Especially will such be the case in the Bailiff's Department on account of the power given by Section 28 of the Act to seize and sell tiled huts. This was formerly the practice until it was put a stop to by a decision of the High Court. In consequence of this decision two Seal Sircars of the Court were reduced. It will now be necessary to increase their number. I would, therefore, ask that the Bailiffs' establishment be increased by three, *viz.*, one Seal Sircar, and two ordinary Bailiffs; and that an extra assistant be added to each of the following Departments, *viz.*, the Summons Department, the Warrant Department, and the Account Department. I ask for these merely as a temporary measure, leaving the final revision of the office to be settled when it is seen how the new Act works. If there is no increase of establishment sanctioned before the 1st July next, the date on which the new Act comes into force, I much fear that the work will get into arrears, the more especially as the whole office will have to work on somewhat different lines to what it does at present.

I have, &c.,

H. MILLETT,

First Judge, Calcutta Court of Small Causes.

No. 451 J—T.

FROM

HORACE A. COCKERELL, ESQ., C.S.I.,

Secretary to the Government of Bengal,
Judicial, Political, and Appointment Departments,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

DARJEELING, { *Dated the 22nd May* / *issued the May* } 1882.

Judicial.

SIR,

I AM directed to submit, for the consideration of the Government of India, the accompanying copy of a letter (No. 35 dated the 6th ultimo) from the First Judge of the Calcutta Court of Small Causes, containing certain proposals made with a view to carry out the provisions of the Presidency Small Cause Courts Act, 1882, which, in extending the jurisdiction of the Calcutta Court of Small Causes, makes an alteration both in its constitution and working.

2. Among these proposals are two not within the competence of the Local Government to sanction, which the Lieutenant-Governor desires to recommend for the favourable consideration of the Supreme Government. The first and more important one is the appointment of an Additional Judge to the Court. This proposal the Lieutenant-Governor desires strongly to support. The existing judicial staff of the Calcutta Court of Small Causes consists of four Judges, with a Fith Judge, who is also the Clerk of the Court. This staff has for some time past been found to be insufficient to cope with the gradual and steady increase in the number of suits instituted, and the necessity for increasing the strength of the Court by the appointment of an Additional Judge has repeatedly been pressed upon Government by the Judges. Statistics show that, during the three years, 1866, 1867 and 1868, the total number of suits instituted was 95,844; while, during the last three years, 1879, 1880 and 1881, the number has increased to 106,601, showing an increase averaging 3,582 suits per annum, as compared with the average number of suits annually instituted during the three former years. Last year the Chamber of Commerce brought to notice the delay in the disposal of certain suits instituted in the Court, and suggested that the staff should be strengthened so as to render the Court equal, at all times, to the demand for prompt disposal of public business, and to provide means for meeting the growing increase in litigation.

3. The necessity of some addition to the judicial staff of the Court has been fully admitted by this Government, but the question has been allowed to stand over until the new Small Cause Courts Act was passed. The new Act has now been passed, and will come into force on the 1st July next. Under it the jurisdiction of the Court has been extended to suits up to the value of Rs. 2,000, the procedure of the Court has moreover been changed, and will be more complex than it was under the old Act. Mr. Millett states that the extended jurisdiction will increase the number of suits by about 250 per annum; and these, being the more important cases, will, he points out, fully occupy the time of one Judge. It is, the Lieutenant-Governor considers, quite certain, the increase of work, which the new Act will bring upon the Court, cannot be discharged without the assistance of an additional Judge, and Mr. Rivers Thompson trusts that the Government of India will see fit to recommend the proposal, to appoint an additional Judge for the Calcutta Court of Small Causes, for the favourable consideration of the Right Hon'ble the Secretary of State.

The salary of the additional Judge need not, the Lieutenant-Governor is of opinion, be fixed at a higher rate than Rs. 1,000 per mensem. With a view to prevent the accumulation of arrears, which is almost sure to ensue if the new Judge is not appointed by the time the new Act comes into force (1st July 1882), I am to request that the Secretary of State's sanction to the appointment may be obtained by telegraph.

4. The second proposal, which I am directed to submit for the consideration of His Excellency the Governor-General in Council, has reference to the salaries of the Judges of the Court. In connection with this proposal, the attention of the Government of India is invited to the remarks made in paragraph 8 of Mr. Millett's letter as justifying his recommendation in favour of increasing the salaries of at least the Second and Third Judges of the Court. Originally the pay of the Second Judge was higher than that of the Third Judge. They both now, however, draw a fixed salary of Rs. 1,350 each per mensem, under a special arrangement made by Sir George Campbell in 1874 (*vide* letter from the Home Department, No. 1315, dated 23rd October 1874). The Lieutenant-Governor would permit the continuance of this arrangement as to equality of pay, as there is, he believes, no difference in the quality or quantity of the work performed by these officers. The First Judge must always by law be a barrister, and the European Second or Third Judge, as the case may be, would ordinarily be an officer who was quite competent to take the place of the First Judge during the absence of the latter. The Lieutenant-Governor would, therefore, propose to fix the pay of the Second and Third Judges at Rs. 1,500 each per mensem. Under the new Act the Senior Judges will have more onerous and important duties than they have hitherto had to discharge, and the Lieutenant-Governor considers that sufficient grounds have been shown to justify the increase of salary proposed. Both the present incumbents are entitled to this increase. It is to be noted that this proposal practically only involves an increase in the pay of the Third Judge, the salary of the Second Judge having originally been Rs. 1,500 per mensem.

5. In conclusion I am to point out that, excluding amounts received and refunded, the income of the Calcutta Court of Small Causes has risen from an average of Rs. 1,92,564 in the years 1866.

1867 and 1868 to Rs. 2,37,846 in 1881, while the expenditure on account of the Judges' salaries and establishment, &c., excluding refunds, was Rs. 1,59,511, thus showing in the latter year a clear profit to Government of Rs. 78,335 after defraying all expenses. The extended jurisdiction given to the Court under the new Act will, while considerably increasing the importance of the work devolving on the Judges, increase also the receipts of the Court. Financially, therefore, there can be no objection to the proposed increase in the cost of the judicial staff of the Court. The Calcutta Court of Small Causes is being more and more resorted to every year, and it is, in the Lieutenant-Governor's opinion, incumbent on Government to do all in its power to maintain its prestige and usefulness by fixing the salaries of the Judges, at rates which will induce really competent men to enter the Court.

6. A proposition statement showing the present and proposed strength and cost of the judicial staff is herewith submitted.

I have, &c.,

HORACE A. COCKERELL,

Secretary to the Govt. of Bengal.

No. 1064.

FROM

A. MACKENZIE, ESQ.,

Secretary to the Government of India,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL,

Judicial, Political and Appointment Departments.

Home Department,
Judicial.

Dated Simla, the 25th July 1882.

SIR,

WITH reference to the correspondence ending with your endorsement No. 2053J—T, dated the 27th ultimo, regarding the appointment of an additional Judge to the Court of Small Causes at Calcutta, and an increase to the pay of the Second and Third Judges of the Court, I am directed to say that the Governor-General in Council, after a careful comparison of the work done in the Calcutta Court of Small Causes with that in other Presidency Small Cause Courts, is not prepared at present to sanction the above proposals. His Excellency in Council would prefer to wait and see the actual effects of the new Presidency Small Cause Courts Act (XV of 1882) on the working of the Court.

I have, &c.,

(Sd.) A. MACKENZIE,

Secy. to the Govt. of India.

No. 56.

FROM

THE FIRST JUDGE OF THE CALCUTTA COURT OF SMALL CAUSES,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

Dated Fort William, the 17th February 1868.

SIR,

IN connection with the subject of the letter No. 50, addressed to you by the Judges of this Court on the 31st December last, I have the honor to submit for the consideration of His Honour the Lieutenant-Governor a suggestion that some status should be conferred on the office of the First Judge of this Court.

2. A reference to Her Majesty's Warrant of Precedence, issued on the 21st day of May, and published in the *Calcutta Gazette* of 20th July 1862, will show that the First Judge has at present absolutely no position whatever, yet his jurisdiction has, of late years, been considerably enlarged; he tries annually a large number of cases of some importance;* he regulates a large establishment; he will preside over a Court consisting of four Judges and a Registrar vested with judicial powers; he is recognised as the head of a department and corresponds directly with the Government.† Moreover, the salary attached to his office has, for some years been, but little less than that of a District Judge, and has recently been raised to the same standard.

3. I submit that a post which in the eyes of Government is evidently not unimportant should have its value in some degree recognised before the public by having some status attached to it in the Warrant of Precedence. Whether this status should be the same as that occupied by the class of Civilians to which a District Judge in the mofussil usually belongs, or whether it should be any other, will be for His Honor to determine, should my suggestion be approved of.

4. No application to the Legislature will be necessary. The last clause of the Warrant of Precedence empowers His Excellency the Viceroy and Governor-General in Council to deal with matters of this nature.

5. His Excellency undoubtedly dealt, a few years ago, with a similar application made by Mr. William Macpherson, then Master in Equity in the Supreme Court, an office no longer in existence.

I have, &c.,
(Sd.) G. S. FAGAN,
Judge of the Court of Small Causes, Calcutta.

No. 1399.

FROM

J. GEOGHEGAN, ESQ.,
Under-Secy. to the Govt. of India, Home Department,

To

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

Dated Fort William, the 19th March 1868.

SIR,

I AM directed to acknowledge the receipt of your office letter No. 1179, dated 3rd instant, with its enclosure, regarding the social status of First Judge of the Calcutta Court of Small Causes, and in reply to state that the request submitted by Mr. Fagan will be considered, and orders issued hereafter.

I have, &c.,
(Sd.) J. GEOGHEGAN,
Under-Secy. to the Govt. of India, Home Dept.

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* These observations apply to all the Judges at the present time.

† The Judges as a body correspond with the Government in all matters affecting the general judicial business of the Court. Their judicial authority under the Act is co-extensive with that of the Chief Judge, and the powers conferred by sections 9, 23, 51, 91, and 92 must be exercised by the Judges conjointly. The most important duties under the Act can, therefore, only be exercised by the Judges as a body.

Appendix C.

Statement showing the Revenue of the Calcutta and Bombay Courts of Small Causes from 1850 *to* 31*st December* 1882.

Years.	Calcutta.						Bombay.					
	Excess of Expenditure over Receipts			Profit after paying all expenses.			Excess of Expenditure over Receipts.			Profit after paying all expenses.		
	Rs.	As	P.	Rs	As.	P	Rs.	As.	P.	Rs.	As	P
1850-51	57,424	11	6	.....	...	...	not given.			not given.		
1851-52	36,764	14	3	.....	...	...	6,304	0	0	.....	...	...
1852-53	33,810	14	3	.....	...	...	.....	...	...	1,968	0	0
1853-54	35,825	3	6	.....	...	...	1,940	0	0	.....	..	...
1854-55	33,343	10	8	.....	...	...	12,628	0	0	.....	...	...
1855-56	11,000	0	0	.....	...	...	.....	...	...	803	0	0
1856-57	150	9	0	.....	...	...	.....	...	...	20,451	0	0
1857-58	.....	...	...	20,837	2	6	.....	...	...	25,728	0	0
1858-59	.....	...	...	7,641	0	9	.....	...	...	23,547	0	0
1859-60	.....	...	...	28,004	3	11	.....	...	...	25,755	0	0
1860-61	.....	...	...	32,383	2	9	.....	...	...	32,829	0	0
1861-62	.....	...	...	51,986	9	6	.....	...	...	45,517	0	0
1862-63	.....	...	...	46,539	11	9	.....	...	...	39,044	0	0
1863-64	.....	...	...	60,968	6	10	.....	...	...	45,124	0	0
1864-65	.....	...	...	80,926	7	5	.....	...	...	75,361	0	0
1865-66	.....	...	...	88,011	5	10	.....	...	...	1,11,162	0	0
1866-67	.....	...	...	64,981	14	8	.....	...	...	1,12,226	0	0
1867-68	.....	...	...	60,318	9	1	.....	...	...	75,353	0	0
1868-69	.....	...	...	66,264	4	10	.....	...	...	41,892	0	0
1869-70	.....	...	...	62,913	0	2	.....	...	...	53,355	0	0
1870-71	.....	...	...	37,341	10	7	.....	...	...	63,229	0	0
1871-72	.....	...	...	28,643	10	11	.....	...	...	47,970	0	0
1872-73	.....	...	...	44,456	10	7	.....	...	...	53,529	0	0
1873-74	.....	...	...	27,226	12	11	.....	...	...	52,033	0	0
1874-75	.....	...	...	33,320	8	7	.....	...	...	21,511	0	0
1875-76	.....	...	...	47,291	2	5	.....	...	...	23,635	0	0
1876-77	.....	...	...	35,082	4	4	.....	...	...	33,680	0	0
1877-78	.....	...	...	67,359	8	10	.....	...	...	42,595	0	0
1878-79	.....	...	...	81,105	11	2	.....	...	...	52,092	0	0
1879	.....	...	...	73,618	14	6	.....	...	...	46,809	0	0
1880	.....	..	...	71,906	8	8	.....	...	...	17,149	0	0
1881	.....	...	...	78,337	0	0	.....	...	...	10,798	0	0
1882	.....	...	...	66,700	2	0	.....	...	...	.....	...	...
Total ...	2,08,319	15	2	13,63,165	15	6	20,872	...	...	11,95,145	...	...

Nett Surplus, Calcutta Court up to 31st December 1882... ... ... 11,54,846 0 4
Ditto, Bombay Court „ 31st December 1881... ... ... 11,74,273 0 0

Nett Surplus—Bombay and Calcutta ... ... Rs. 23,29,119 0 4

Appendix D.

[*Englishman, 30th December* 1882.]

PRESIDENCY SMALL CAUSE COURTS ACT.

At the end of the current year this Act will have been in operation for six months, and how far the anticipations and expectations of the public have been realised may not be an uninteresting subject. At first there were grave apprehensions as to the Act working smoothly in consequence of a large number of sections of the Code of Civil Procedure being extended with the Act, which it was thought were calculated to impede rather than facilitate the procedure of a Court of summary jurisdiction, and to attach to it a complicated machinery, which was not very desirable. At the beginning considerable confusion prevailed, the Legal Profession being under the impression that the plaints were to be drawn up in conformity with the provisions laid down in the Civil Procedure Code, and as the forms in question were different and entailed more labour than the old ones, for sometime there were hardly a dozen suits instituted daily. But it soon became apparent that there was no provision in the new Act requiring plaints to be drawn up as provided for in the Code, and though it was necessary to follow the mode of procedure laid down by the Code to a certain extent, such as giving certain particulars with reference to dates and amounts, the causes of action were to be the same as before. For the guidance of the pleaders and suitors, a set of forms of causes of action to meet every case was printed and published. In the course of a short time the number of institutions increased. The change in the service of summonses, requiring the same to be served either personally or on an adult member of the family, though a very proper mode of service, has in some instances been found very inconvenient. A great many unmarried people are not always to be found at home, but in all such cases the plaintiff, upon an application to the Court representing his inability to serve it on that ground, is allowed to post the summons. Formerly service on a servant was good service, but this is no longer allowed. The only difficulty experienced by the Judges in the present mode of service is in getting the bailiffs to understand and define an adult, the latter as a rule being disposed to treat children as adults. Another inconvenience arises from suitors being obliged to make a special application to the Court if the defendant is living out of town. He may be working for gain in town, or may have been living here when the cause of action arose, still the plaintiff must ask the Court for permission to file his plaint. In giving the Court jurisdiction in cases where parties residing out of Calcutta have had delivery of the goods purchased by them here, the Legislature had included all persons living out of Calcutta, irrespective of the question as to the entire cause of action arising here or not. Under the old Act, to ask the Court for such permission was not at all necessary.

The mode of entering appearance to defend a suit has been the subject of serious complaint. Formerly, a wife, a near relative or servant, might enter appearance. Now neither of them, even if they were armed with a power authorising them to represent the defendant, can appear. The wife, who is considered to be the agent of the husband in a great many cases, cannot appear, though the suit may be one brought by a domestic servant. The suit may be for Rs. 5, still the defendant would have either to attend himself or give a pleader a power on a stamp paper of the value of one rupee, which, supposing he succeeded in gaining his case, he cannot recover.

The payment of fees to witnesses has been a great check upon the institution of false or groundless suits. It has at the same time increased considerably the costs in a suit. In the case of expert and professional witnesses costs are very heavy—a circumstance which is likely in a great many cases to deter people from going into Court. It has been frequently represented to the Judges that this provision amounted to a real hardship, Rs. 10 and even Rs. 16 being demanded by an attorney or auctioneer who was simply required to send certain documents to the Court, his personal attendance being unnecessary.

Attachment of a defendant's salary, attachment of property before decree, tiled huts being included, and the attendance of witnesses from day to day till the disposal of the suit, afford every facility to the suitor to recover his debts, and doubtless add immensely to the popularity of the Court. With reference to the attachment of property before decree, the Judges have endeavoured

to discourage as much as possible applications of so summary a nature, finding that since the passing of the Act every native shop-keeper or trader had cause to believe that his debtor is making away with his property.

Though the increase in the number of suits has been slow, it is believed that in the course of another six months the file will be so heavy as to necessitate the appointment of an additional Judge.

Extract from the Address of the Master of the Calcutta Trades' Association, delivered at the Annual General Meeting of the Association on 8th February, 1883.

THE new Small Cause Court Act has now been in operation for seven months, and this period might be expected to furnish some evidence of the way in which the amended law is calculated to work. I shall be in a position shortly to place before you the number of suits instituted under the extended jurisdiction, and also some information as to the extent to which the relief under the various sections of the Civil Procedure Code applicable to the execution of decrees has been afforded. The fears entertained at the outset, as to some of the provisions of the Civil Procedure Code made applicable to the Small Cause Court being found obstructive to business in a Court of summary jurisdiction, are being realized to their fullest extent. It is found that service of summons upon the servant or inmate of a house is not, as before, deemed sufficient; it must now be served either on the defendant personally, upon an adult relative, or upon the landlord. This is attended with constant embarrassment to plaintiffs. Formerly plaintiffs were not subjected to the sacrifice of time involved in personal attendance at the Court for preliminary purposes, such as filing plaints, taking out summonses, &c. At present, if a plaintiff cannot attend for these purposes, he must appoint a pleader—such appointment necessarily entails the cost and trouble of filing a power-of-attorney; and this is a further cause of embarrassment, and chiefly so to the poorer classes of suitors. Again, the manager of a man's business was previously qualified to act and to appear for him on the day of trial, or it may be his wife (in many cases the only person chiefly interested in, or acquainted with, the facts of a case). Now, the only course possible to a suitor, under such circumstances, is to appoint a pleader. As a necessary consequence the pleaders are benefited, but the suitors suffer. The amount of extra work thrown upon the Court is very great, and delays and postponements have become almost the rule of the Court, for it is generally reported that more than six hundred cases stand on the postponed list, and the hearing of some has been of necessity put off to the month of April next. The conclusion, therefore, is inevitable that, so far from the public having derived any solid advantages, the amended law has really deprived the Court of its primary *raison d'être* as a Court of summary jurisdiction. The remedy, I am told, is simple; it is that the provisions of the 36th and 37th sections of the Civil Procedure Code should not apply to cases of Rs. 50 and under. This is a matter in which I think it will be necessary for the Association to submit a representation to the Government without further delay.

Appendix E.

No. 65.

FROM

THE JUDGES OF THE COURT OF SMALL CAUSES OF CALCUTTA,

To

THE REGISTRAR OF THE HIGH COURT, APPELLATE JURISDICTION.

Dated, CALCUTTA, 16*th February* 1883.

SIR,

WE have the honour to submit our Report to the Hon'ble the Judges of the High Court of the business of this Court for the year ending 31st December 1882.

2. The number of suits instituted during the year was 29,553 as against 34,108. The following comparative table shows the increase and decrease of institutions during the year :—

The value of suits.	1881.	1882.	Increase.	Decrease
Up to Rs. 10	13,145	10,776	...	2,369
" " 50	14,030	12,130	...	1,900
" " 100	3,070	2,851	...	219
" " 500	3,183	3,050	...	133
" " 1,000	625	612	...	13
Over " 1,000	55	134	79	...
	34,108	29,553	79	4,634
Deduct increase ...	...	...	...	79
Total decrease ...	...	...	...	4,555

3. The cases were disposed of as follows :—

Pending from 1881	1,333
Instituted in 1882	29,553
	30,886
Decreed in favor of plaintiff after contest	4,397
Do. without do.	8,141
Dismissed after trial	1,358
Non-suited or withdrawn	1,641*
Compromised	11,040
Struck off or dismissed for default of plaintiff	2,704
Dismissed uncontested	48
Pending at the close of the year	1,557
	30,886

4. The miscellaneous business is classified as follows :—

Commissions from other Courts to examine witnesses ...	41
Distraint applications	373
Mofussil processes served	1,821

5. With respect to the condition of the Court-house, the state of the record-room and the condition of the library, we have nothing to add to what was stated in paragraphs 5, 6, and 7 of last year's report.

6. On the 1st July 1882 Act XV of 1882 (Presidency Small Cause Courts Act, 1882) came into force, and with it a considerable change in the procedure of the Court as well as an extension of the pecuniary jurisdiction up to Rs. 2,000. There has been a decrease of 4,555 suits.

* These suits may under the present procedure be really considered *contested* cases, for usually it is not until case has proceeded some way that the plaintiff finds that he must elect to withdraw.

7. The old procedure was extremely simple. There was no necessity for a party to a suit to be present either personally or by pleader, but it was sufficient if he was represented by "a relative, servant or member of his establishment in his exclusive employ" Now that the provisions of sections 36 and 37 of the Code of Civil Procedure are in force, the trouble entailed on a party desirous of bringing a suit is greater. Under the old practice, the cause of action as set out in the plaint was exceedingly short and concise, and gave no particulars of the claim,—*i. e.*—"for goods sold and delivered;" "for work and labour done;" "for wages due by you to plaintiff," and so on, and verification was not necessary. Now particulars have to be given as required by section 50 clause (*d*, and the plaint must be signed and verified under section 51. This necessitates the attendance of the plaintiff in person or some one on his behalf acquainted with the facts of the case; and when the plaintiff does not sign the plaint it must be signed by his recognised agent. It will readily be seen that these provisions tell upon small suits and poor suitors. At the same time we are not prepared to advocate a return to the old practice.

8. The statement made in the last paragraph, we believe, accounts for the falling off of suits,—especially those below Rs. 50. The effect of the change was at once obvious, for, during the month of July, comparatively few suits were instituted. As however the people became more accustomed to the change, suits began to increase, until, for a month or so before the Doorga Poojah Holidays, the files became choked with the rush that usually takes place about that time.

9. The tabulated statement set out in paragraph 2 shows that there has been a decrease more or less in all suits up to Rs. 1,000, but we do not attach much importance to the decrease of suits above Rs. 50. The decrease itself is small, these cases not being in our opinion affected in the same degree by the provisions of sections 36, 37, 50, and 51 of the Code as the smaller cases. Some allowance also must be made for the fact that the procedure was new, and that the Act excludes some cases which were formerly brought in the Court,—such as suits for malicious prosecutions and for partnership accounts, and that there was no restriction in the filing of plaints against non-resident defendants. Cases of these kinds were numerous, and often for considerable sums. Ordinary fluctuations must also be taken into account. The year 1882 was prosperous, and not one in which we could expect an influx of litigation. We believe, therefore, that the procedure under the Code has had little to do with the decrease of cases above Rs. 50. On the other hand, there have been more suits under the extended jurisdiction than we anticipated. The cases over Rs. 1000 number 168 in all. Of these 34 were instituted before the 1st July by abandoning the excess in each case, and 134 in the half year since that date. We were led to expect 200 to 250 for the whole year. The 34 cases instituted before the 1st July are included in the 612 set down under the head of cases not exceeding Rs. 1000.

10. With reference to the extended jurisdiction and section 38 of Act XV of 1882 we may mention that, of the 134 cases above referred to, 61 were disposed of, of which 56 were decreed, 3 dismissed, and 2 withdrawn, and there has been no instance of the High Court having called for the record from this Court for the purpose of a rehearing by it.

11. Though the number of small suits has decreased, the work has by no means done so. Each Judge in turn (including the Registrar) has to decide cases of a higher value than those tried by him formerly, and that because the Chief Judge who tries all cases above Rs. 1000 (which are of the most importance) has been obliged to distribute among the other Judges a number of cases above Rs. 500, which were hitherto tried by him. It is hardly necessary to point out to the Hon'ble Judges of the High Court that the higher in value cases are the longer they take to try when contested, and as a matter of fact the postponed board of the Judges is higher than it was before—a result which is as troublesome to the Judges as it is inconvenient to suitors, who in this Court always look to a speedy decision of their causes, which is the chief recommendation of the Court. In addition to this the new procedure has made way for applications of a class never previously entertained.

Of these the most important are :—

Applications under section 18 of Act XV of 1882.
Applications for arrest or attachment before judgment.
Applications for substituted service of summons and notices.
Applications to substitute legal representatives under Chapter XXI of the Code.
Applications to appoint guardians to minors under Chapter XXXI of the Code.

Four hundred and three applications under section 18 of the Act were heard by the Chief Judge during the half year; of these 54 were refused and 349 admitted. In a large number of the latter reasons had to be recorded in writing in accordance with clause (*a*) of the section.

12. The Court of the Registrar may be said now to be inundated with miscellaneous applications, a large number of which arise out of the new procedure. It is calculated that, on an ordinary day, it takes at least an hour and a half to dispose of such applications. This therefore leaves him no sufficient time for the numerous small cases on his board, often as many as 60 or 70, and a redistribution of these cases has had in consequence to be made to the second, third and fourth Benches.

13. The decrease in the number of institutions will also account for the decrease in the returns generally shown in all the annual statements. We remark, however, that there were 3,079 suits on contracts not in writing disposed of in 1882 as against 2,563 in 1881. No particular phase of litigation enables us to give any reason for this increase, unless it be that the sudden withdrawal of the import duty in April gave rise to some suits, but not in sufficient numbers to account for the difference shown. We can only, therefore, conclude that it is a fluctuation of a nature which may from time to time occur.

14. Claims under section 278 of the Code of Civil Procedure have for this year been entered as interpleader suits, so that we might be able to judge whether such a class of cases has increased or decreased. We find that there has been some increase which may be entirely attributed to the circumstance that tiled huts and other kinds of property not previously liable to seizure may now be attached in execution of decrees, and to the fact that claims under section 278 need not bear the stamp which was formerly required on interpleader suits. We may venture to predict that this class of cases will now increase still more. Such will for the future be placed under the head of miscellaneous cases.

15. We also remark that columns 20 and 21 of the annual statement show a considerable increase in the amounts realized under decrees. The reason of this is, as far as we can judge, two-fold,—firstly, that the increased jurisdiction (up to Rs. 2,000) renders it more likely that larger amounts will be paid into Court under decrees: Secondly, that the new procedure gives greater facilities to decree-holders for obtaining execution of their decrees than existed formerly.

16. We regret to state that the litigation of the year shows an increased tendency on the part of the trading community to deal in purely speculative contracts. Formerly such classes of contracts were confined to Government Securities (the amount generally being Rs. 25,000) or to shares; now we find they have been extended to gunny bags and yellow metal; the contention of the parties in many of these cases not being an actual *bonâ fide* sale on one side or a purchase on the other, but simply to recover the difference, if any, of the market-value of the goods, on the date of delivery.

17. 1,950 processes were sent from the Mofussil Courts for service in Calcutta. Of these 1,821 were served and 90 remained in hand at the end of the year.

18. The amount in litigation during the year was Rs. 18,28,342-13-6½.

The fees, &c., received amounted to Rs. 2,77,111. The cost of Judges' salaries, establishment, &c. amounted to Rs. 2,10,410, and the sum of Rs. 66,701 was carried to the credit of the Court after paying all expenses.

19. Mr. H. Millett returned from furlough on the 8th February 1882, and resumed the office of First (now Chief) Judge, Messrs. MacEwen and Woodman reverting to their substantive appointments.

We have, &c.

(Sd.) H. MILLETT,
„ KUNJOLOLL BANERJEE,
„ R. S. T. MACEWEN,
„ G. C. SCONCE.

Judges, Court of Small Causes of Calcutta.